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THE ANTI-DRUG ABUSE ACT OF 1988: A GUIDE TO PROGRAMS FOR STATE AND LOCAL ANTI-DRUG ASSISTANCE

REPORT

OF THE

SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

ONE HUNDRED FIRST CONGRESS

FIRST SESSION

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(101st Congress)

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INTRODUCTION

The Anti-Drug Abuse Act of 1988 (P.L. 100–690) amends and reauthorizes a number of existing programs and establishes several new programs to assist State and local anti-drug efforts.

The Select Committee on Narcotics Abuse and Control has compiled this guide to assist Members of Congress in responding to requests for information about sources of Federal funds for drug abuse prevention and control activities provided in the Anti-Drug Abuse Act of 1988. This guide includes information on the major anti-drug grant programs administered by the Departments of Justice, Education, Health and Human Services and ACTION. It also includes additional Federal and State sources to contact for further information about, and applications for, these programs. A brief overview of the development of the Anti-Drug Abuse Act of 1988 and summaries of the Act's provisions and funding are also included for convenient reference.

We hope you will find this guide to be a useful directory to programs for State and local anti-drug assistance under the Anti-Drug Abuse Act of 1988.

In compiling this guide, the Select Committee received excellent cooperation from many individuals in the Federal departments and agencies who provided information on the grant programs they administer. The Committee wishes to express our sincere appreciation for this assistance.

Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

Drug Control and System Improvement Grant Program

FACT SHEET

The Anti-Drug Abuse Act of 1988 (Pub. L. 100-690) was signed into law on November 18, 1988. The Drug Control and System Improvement Grant Program, Title VI, Subtitle C of the Act, provides funds to assist states and units of local government in carrying out specific programs which offer a high probability of improving the functioning of the criminal justice system and to enhance drug control efforts at the state and local levels.

Legislatively Authorized Program Purposes

The Bureau of Justice Assistance (BJA) is authorized to make grants to states, for use by states and units of local government, for the purpose of enforcing state and local laws which establish offenses similar to offenses established in the Controlled Substances Act (21 U.S.C. 801 et seq.) and to improve the functioning of the criminal justice system, with emphasis on violent crime and serious offenders. Grants may provide personnel, equipment, training, technical assistance and information systems for the more widespread apprehension, prosecution, adjudication and detention and rehabilitation of persons who violate such laws, and may provide assistance to the victims of such crimes (other than compensation), including the following programs:

1. Demand reduction education programs in which law enforcement officers participate;

2. Multijurisdictional task force programs which integrate Federal, state and local drug law enforcement agencies and prosecutors for the purpose of enhancing interagency coordination and intelligence and facilitating multijurisdictional investigations;

3. Programs designed to target the domestic sources of controlled and illegal substances, such as precursor chemicals, diverted pharmaceuticals, clandestine laboratories and cannabis cultivations;

4. Community and neighborhood programs which assist citizens in preventing and controlling crime, including special programs which address the problems of crimes committed against the elderly and special programs for rural jurisdictions;

5. Disrupting illicit commerce in stolen goods and property;

6. Improving the investigation and prosecution of white-collar crime, organized crime, public corruption crimes and fraud against the government with priority attention to cases involving drug-related official corruption;

7. a. Improving the operational effectiveness of law enforcement through the use of crime analysis techniques, street sales enforcement, schoolyard violator programs and gang-related and low-income housing drug control programs.

   b. Developing and implementing antiterrorism plans for deep draft ports, international airports and other important facilities;

8. Career criminal prosecution programs, including the development of model drug control legislation;

9. Financial investigative programs which target the identification of money laundering operations and assets obtained through illegal drug trafficking, including the development of proposed model legislation, financial investigative training and financial information sharing systems;

10. Improving the operational effectiveness of the court process, such as court delay reduction programs and enhancement programs;

11. Programs designed to provide additional public correctional resources and improve the corrections system, including treatment in prisons and jails, intensive supervision programs and long-range corrections and sentencing strategies;

12. Providing prison industry projects designed to place inmates in a realistic working and training environment which will enable them to acquire marketable skills and to make financial payments for restitution to their victims, for support of their own families and for support of themselves in the institution;

13. Providing programs which identify and meet the treatment needs of adult and juvenile drug-dependent and alcohol-dependent offenders;

14. Developing and implementing programs which provide assistance to jurors and witnesses and assistance (other than compensation) to victims of crime;

15. a. Developing programs to improve drug control technology, such as pretrial drug testing programs, programs which provide for the identification, assessment, referral to treatment, case management and monitoring of drug-dependent offenders and enhancement of state and local forensic laboratories.

    b. Criminal justice information systems to assist law enforcement, prosecution, courts and corrections organizations (including automated fingerprint identification systems);

16. Innovative programs which demonstrate new and different approaches to enforcement, prosecution and adjudication of drug offenses and other serious crimes;

17. Addressing the problems of drug trafficking and the illegal manufacture of controlled substances in public housing;

18. Improving the criminal and juvenile justice system's response to domestic and family violence, including spouse abuse, child abuse and abuse of the elderly;

19. Drug control evaluation programs which state and local units of government may utilize to evaluate programs and projects directed at state drug control activities;

20. Providing alternatives to prevent detention, jail and prison for persons who pose no danger to the community; and

21. Programs of which the primary goal is to strengthen urban enforcement and prosecution efforts targeted at street drug sales.

Formula Grant Program

Funding: 80 percent of the total funds appropriated in any fiscal year will be distributed under the formula grant program. Each state will receive a base amount of $500,000 with the remaining funds allocated to each state on the basis of the state's relative share of total U.S. population.

State Office: The chief executive of each participating state shall designate a State Office to administer the program and to coordinate the distribution of funds with state agencies receiving Federal funds for drug abuse education, prevention, treatment and research activities and programs. An office or agency performing other functions within the state's executive branch may be designated as the State Office.

Administrative Funds: Up to 10 percent of the formula grant funds allocated to a state may be used to pay for costs incurred in administering the formula grant program.

Matching Requirements: For Fiscal Year 1989 appropriations at least 25 percent of the cost of a program or project must be paid with non-Federal funds. For Fiscal Year 1990 and subsequent year appropriations at least 50 percent of the cost of a program or project must be paid with non-Federal funds. The non-Federal share shall be in cash. Funds provided for match must be in addition to funds which would otherwise be made available by the recipients for criminal justice programs. Match will be provided on a project-by-project basis.

Passthrough: Local units of government must receive a share of the state's formula grant funds which is equal to the ratio of local criminal justice expenditures to the total criminal justice expenditures for the state.

Funding Priority: In distributing funds, the state shall give priority to those jurisdictions with the greatest need.

Period of Project Support: Projects funded under the formula grant program may be funded for a maximum of four years (48

months) in the aggregate, including any occurring before the effective date of this Act.

Construction: Grant funds may be used for construction of penal and correctional institutions only. Acquisition of land with grant funds is prohibited.

Statewide Strategy: Each state is required to develop a statewide strategy to improve the functioning of the criminal justice system, with an emphasis on drug trafficking, violent crime and serious offenders. The strategy shall be prepared after consultation with state and local officials, particularly those whose duty it is to enforce drug and criminal laws and direct the administration of justice.

Discretionary Grant Program

Funding: 20 percent of the total allocation is reserved for the Discretionary Grant Program, which will be used to enhance, coordinate and address needs in state and local drug control and system improvement efforts through national and multistate programs.

Eligibility: Public and private agencies and private, nonprofit organizations are eligible to apply for and receive funds under this program.

Match: Grants may be made for up to 100 percent of the costs of an approved project.

Program Priorities: Program announcements and requests for proposals are published in the Federal Register. The FY 1989 announcement was published on January 9, 1989. Copies of the FY 1989 Program Announcement are also available from BJA.

Information

Contact the Bureau of Justice Assistance, 633 Indiana Avenue, NW, Washington, DC 20531. Phone contact: Formula Grant Program (202) 272-6838; Discretionary Grant Program (202) 272-4601.

Formula Grant Program
State by State Allocation of Funds

State	FY 1989	Percentage to be Passed through to Local Jurisdictions
Alabama	$2,018,000	48.72
Alaska	695,000	14.54
Arizona	1,759,000	64.04
Arkansas	1,388,000	53.47
California	10,782,000	66.87
Colorado	1,725,000	64.83
Connecticut	1,693,000	45.13
Delaware	739,000	25.66
Dist. of Columbia	731,000	100.00
Florida	4,969,000	62.85
Georgia	2,813,000	56.92
Hawaii	903,000	48.50
Idaho	871,000	61.59
Illinois	4,805,000	65.32
Indiana	2,556,000	58.48
Iowa	1,553,000	54.77
Kansas	1,420,000	54.73
Kentucky	1,885,000	31.84
Louisiana	2,158,000	53.52
Maine	941,000	45.77
Maryland	2,186,000	41.20
Massachusetts	2,676,000	43.37
Michigan	3,919,000	60.67
Minnesota	2,078,000	67.32
Mississippi	1,476,000	50.92
Missouri	2,397,000	64.00
Montana	801,000	55.39
Nebraska	1,092,000	58.75
Nevada	874,000	72.43

Formula Grant Program
State by State Allocation of Funds

State	FY 1989	Percentage to be Passed through to Local Jurisdictions
New Hampshire	$893,000	51.05
New Jersey	3,352,000	60.74
New Mexico	1,058,000	41.33
New York	7,125,000	61.73
North Carolina	2,884,000	42.50
North Dakota	750,000	64.81
Ohio	4,508,000	70.25
Oklahoma	1,716,000	46.88
Oregon	1,512,000	50.86
Pennsylvania	4,936,000	69.41
Rhode Island	866,000	44.95
South Carolina	1,773,000	41.91
South Dakota	764,000	50.62
Tennessee	2,304,000	59.39
Texas	6,740,000	67.37
Utah	1,124,000	50.05
Vermont	704,000	23.14
Virginia	2,694,000	31.96
Washington	2,187,000	56.37
West Virginia	1,205,000	49.21
Wisconsin	2,287,000	64.90
Wyoming	682,000	57.68
Puerto Rico	1,724,000	
Virgin Islands	539,000	
American Samoa	188,100	
Guam	285,000	
N. Mariana Islands	26,900	
Total	$118,800,000	

BUREAU OF JUSTICE ASSISTANCE

FY 89
FORMULA GRANT TIMETABLE

Nov. 18	Act signed into law as PL100-690
	Per Sec 503(b) implementing regulations shall be promulgated within 30 days after date of enactment
Dec. 17	Rules signed by the Director
	Per Sec 503(a) applications must be submitted to BJA within 60 days after promulgation of rules
Feb. 16	Application due in
	Per the guidelines (pg. 9 Application Submission Date of the Program Guidance Document and page 52248 of the Federal Register announcement):
	If a state fails to submit an application by the submission deadline as defined by the Act, BJA will provide the state with written notice that it intends to begin the process of making funds available to local units of government, or combinations thereof, within the state, within 30 days of the date of the notice. The state will be provided with an opportunity to submit its application and a justification for the late submission within the 30 day period. The Director of BJA will make a determination on adequacy of the justification prior to initiating review of the application.
30 Days (March 18>)	After BJA notice is mailed the state must submit the application - - - with proper justification for the lateness - - - or BJA makes the funds available to local units of Government.

(Note: The implementing regulations for the formula grant program were published in the Federal Register of December 27, 1988, Vol. 53, No. 248, beginning at page 52244. These implementing regulations also were published separately by BJA in a Program Guidance Document which was mailed on December 16, 1988, to the State agencies designated to administer the formula grant program. Application kits for the formula grant program were mailed to these State agencies on December 21, 1988. Copies of the Program Guidance Document and the application kit are available from BJA.)

JAN 1 2 1989

STATE OFFICES ADMINISTERING THE DRUG CONTROL & SYSTEM IMPROVEMENT FORMULA GRANT PROGRAM OF THE ANTI-DRUG ABUSE ACT OF 1988

NOTE: Unless noted, the same State Office administers the Drug Law Enforcement Formula Grant Program authorized by the Anti-Drug Abuse Act of 1986 and the Block Grant Program authorized by the Justice Assistance Act of 1984.

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UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

JAN 31 1989

DEPARTMENT OF EDUCATION PROGRAMS
to implement the
DRUG-FREE SCHOOLS AND COMMUNITIES ACT

On October 27, 1986, President Reagan signed the Anti-Drug Abuse Act of 1986 (P.L. 99-570) into law. This legislation was subsequently amended by P.L. 100-297: The Hawkins/Stafford Elementary and Secondary School Improvement Amendments of 1988 and reenacted as Title V of the Elementary and Secondary Education Act of 1965 (ESEA). The Department of Education is responsible for administering Title V of ESEA, as amended by the Anti-Drug Abuse Act of 1988 (P.L. 100-690). The major components of the Department's programs and points of contact are listed below. Those programs which are asterisked are the discretionary grants programs administered by the Department.

State and Local Grants Program: This is a formula grant program which allocates funds to States based on school-age population. Each State's allocation is divided between the State educational agency (70%) and the Office of the Governor (30%). The SEA must allot at least 90 percent of the funds it receives to local education agencies to improve anti-drug abuse education, prevention, early intervention, and rehabilitation referral programs. The Governor provides financial support for anti-drug abuse efforts to community-based organizations. At least 50% of the Governor's funds must be used for programs for high-risk youth. Funds for FY 88 were available July 1, 1988, and all awards have been made to the States and Territories. Allocation information for FY 89 will be sent to Governors and Chief State School Officers in February 1989. Awards will be made in July 1989. There are contacts in each State for the programs funded through the Governor's office and programs funded through the SEA (Allen King, 732-4599).

Audiovisual Grants Program: Eight awards were made in December 1987, to develop and distribute audiovisual materials to elementary and secondary schools for drug abuse education and prevention activities. These materials are close-captioned videotapes with brief teacher guides. The first tapes were distributed to schools in September 1988. Copies of these films have been sent to all the Nation's school districts and are also available from the National Clearinghouse for Alcohol and Drug Information, the National Audio-Visual Center, and from each of the Regional Centers (Charlotte Gillespie, 732-3030).

400 MARYLAND AVE., S.W. WASHINGTON, D.C. 20202

** Grants for Institutions of Higher Education (IHEs): Responsibility for the implementation of this program is divided between the Fund for the Improvement of Postsecondary Education (FIPSE) and the Drug-Free Schools and Communities Staff in the Office of Elementary and Secondary Education (OESE). FIPSE made ninety-two grants in FY 87 to institutions of higher education to develop, operate, implement, and improve drug education and prevention programs for students enrolled in institutions of higher education. One hundred and one grants were awarded in September. Application materials are available for the FY 89 cycle, the deadline for applications is March 1, and awards will be made by July 1989 (Ron Bucknam, 732-5750). OESE has responsibility for awarding grants to support preservice or inservice personnel training or demonstration programs in drug and alcohol abuse education and prevention for use in elementary and secondary schools. Forty-two grants were awarded in May of 1988. Application materials for the FY 89 cycle are currently available. Deadline for applications is February 6, and awards are scheduled to be made by May 1989 (Allen King, 732-4599).

Programs for Indian Youth: This program is administered under a Memorandum of Understanding between the Departments of Education and Interior. Anti-alcohol and drug abuse education and prevention services will be provided to Indian children on reservations attending elementary and secondary schools which are operated by the Bureau of Indian Affairs (Allen King, 732-4599).

Programs for Native Hawaiians: The Governor of Hawaii designates organizations to receive funds for drug prevention and education activities. The organizations which are eligible are those that primarily serve and represent Hawaiian natives. The Kamehameha Schools received a three-year grant in FY 87 under this program (Allen King, 732-4599).

Regional Centers Program: The Department of Education has awarded five cooperative agreements to fulfill the requirements of the Act. The law authorizes the Department to support these regional centers to: (1) train school teams to assess and combat drug and alcohol abuse problems, (2) assist State educational agencies in coordi- nating and strengthening alcohol and drug abuse education and prevention programs, (3) assist local educational agencies and institutions of higher education in developing training programs for educational personnel, and (4) evaluate and disseminate information on effective substance abuse, education prevention programs and strategies.

A portion of the funds under the Regional Centers Program has been set aside for a project to provide support to the five regional centers in carrying out their responsibilities.

Activities for this project include collecting and disseminating information on regional center activities, collecting and disseminating information on model alcohol and drug education and prevention activities, providing technical assistance to the centers in carrying out their responsibilities, and coordinating and supporting national workshops and conferences (Allen King, 732-4599).

**Educational Personnel Training Program: This is a new program authorized under the Anti-Drug Abuse Act of 1988. The purpose of this program is to provide financial assistance to State educational agencies, local educational agencies, and institutions of higher education to establish, expand, or enhance programs and activities for the training of teachers, administrators, guidance counselors, and other educational personnel on drug and alcohol abuse education and prevention. Funded programs must be coordinated through the State agency for higher education or State educational agency, as appropriate, and must be coordinated with the activities of the Regional Centers for Drug-Free Schools and Communities. Application materials will be available in late March 1989. The deadline for applications is the end of May 1989, and awards will be made by September 1989 (Allen King, 732-4599).

Federal Activities: The Department is supporting a number of projects in this category.

** o Drug-Free Schools and Communities Staff in the Office of Elementary and Secondary Education under its Federal Activities Grants Program supports model development, dissemination, technical assistance, and curriculum development activities for drug and alcohol abuse education and prevention. Thirty-eight awards were made in FY 87 to State educational agencies, local educational agencies, institutions of higher education, and other nonprofit agencies, organizations, and institutions. Thirteen awards were announced in May of 1988. The deadline for applications for the FY 89 cycle was January 23 and awards will be made by May 1989 (Allen King, 732-4599).

o The Challenge is the Department's program to encourage individual schools and school districts to sign a pledge with representatives of school, home, and community to initiate or sustain a program based on the twelve principles in the handbook, Schools Without Drugs, to keep their schools drug-free and to become part of a national network of drug-free schools. As of January 19th, 6,430 schools and 574 school districts are members (Annora Dorsey, 732-4161).

- The Challenge Newsletter is the Department's bi-monthly newsletter which highlights successful programs, provides the latest research on effective prevention measures, and answers questions about school-based efforts. The newsletter is distributed to superintendents, principals, and parent groups across the country (Charlotte Gillespie, 732-3030).

- The Department of Education works with the Department of Health and Human Services to support the National Clearinghouse for Alcohol and Drug Information. The Clearinghouse staff responds to requests from schools for information and materials on drugs and prevention strategies, drug education curricula, model drug education programs, and referrals for assistance and resources (Charlotte Gillespie, 732-3030).

- Schools Without Drugs is in its third printing--more than 2 million copies have been distributed to date.

- The Office of Educational Research and Improvement (OERI) supports three initiatives designed to increase the amount of information available about drug abuse education and prevention

  - Drug-Free School Recognition Program. The Drug-Free School Recognition Program operates in a manner similar to the Department's Elementary and Secondary School Recognition Programs, though it receives guidance from an advisory group consisting of experts in the area of drug and alcohol prevention. Applications from nominated schools are reviewed by an appropriate panel, and those schools or programs selected for recognition are honored at ceremonies in Washington, D.C. This school year is the second year of the Drug-Free School Recognition program. In addition, the Department of Education, in conjunction with the five regional centers, sponsored five regional Drug-Free Schools Conferences which were held across the country in the fall of 1988. It is anticipated that similar meetings will be held during the fall of 1989 (Nelson Smith, 357-6191).

  - Network of Drug-Free Colleges. OERI is supporting development of a national network of colleges committed to eliminating drug abuse on their campuses. Initial networking efforts focused on four year residential colleges so that information on comparable problems may be shared. The Network was formed during the '87-'88 school year, and a National Forum for Drug-Free Colleges was held on October

26-28, 1988. Over seven hundred and fifty colleges and universities have joined the Network (Vonnie Veltri, 357-6265).

- Drug Abuse Curricula Criteria. OERI has developed, produced, and disseminated a guide to help school building and school district staff select and implement substance abuse curricula in elementary and secondary schools. This guide is now available, from the National Clearinghouse for Alcohol and Drug Information (Nelson Smith, 357-6187).

For further information on any of the activities summarized above, please call the appropriate contact person or write:

Drug Abuse Prevention Oversight Staff
Office of the Secretary
U.S. Department of Education
400 Maryland Avenue, S.W.
Room 4145
Washington, D.C. 20202-0120
or call (202) 732-3030.

DRUG-FREE SCHOOLS AND COMMUNITIES ACT OF 1986
STATE GRANTS: FISCAL YEAR 1989

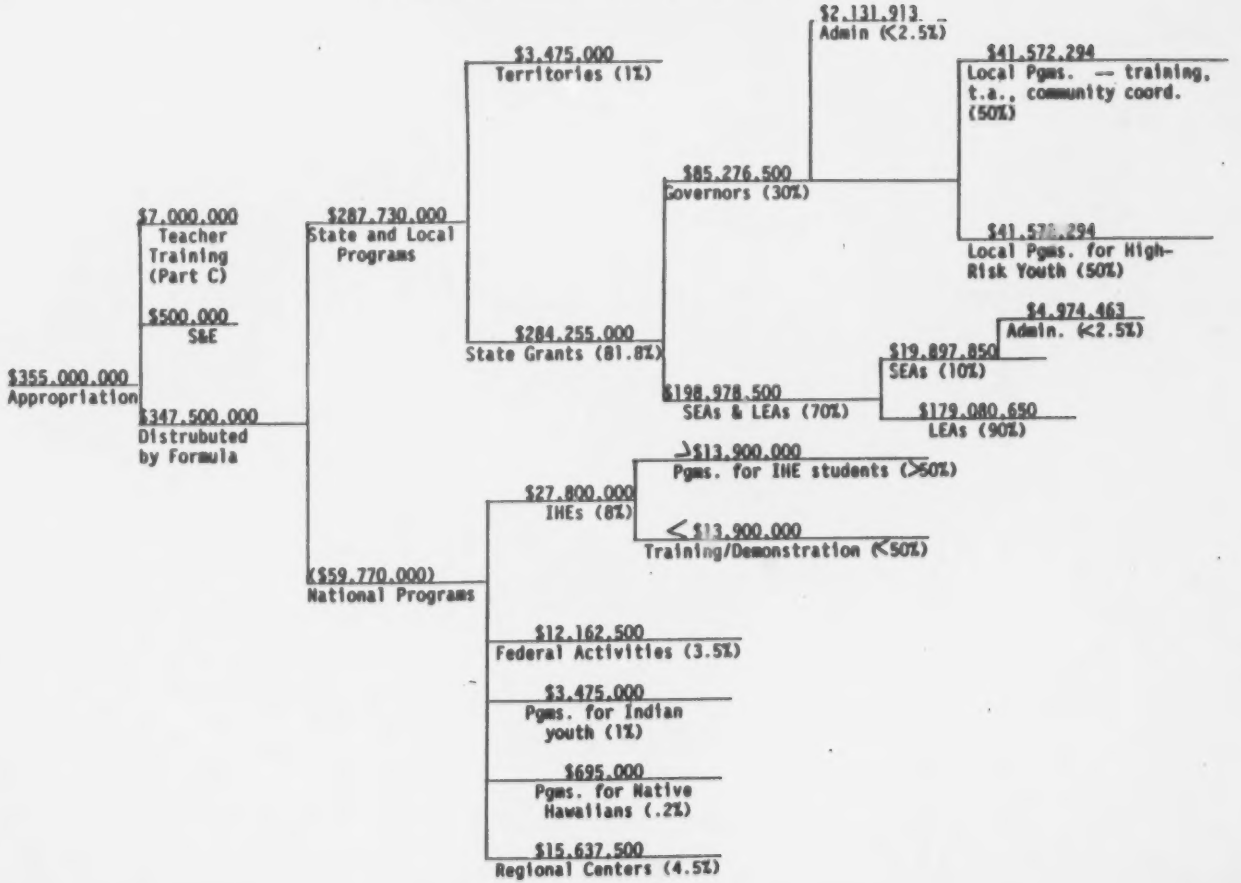
04-Nov-88

State	Total Allotment (100%)	Allotment for State and Local Educational Agencies (70%)	Allotment for Governor (30%)
Total	$284,255,000	$198,978,500	$85,276,500
ALABAMA	$4,933,252	$3,453,276	$1,479,976
ALASKA	$1,421,275	$994,892	$426,383
ARIZONA	$3,792,962	$2,655,073	$1,137,889
ARKANSAS	$2,850,723	$1,995,506	$855,217
CALIFORNIA	$30,007,614	$21,005,331	$9,002,283
COLORADO	$3,630,921	$2,541,645	$1,089,276
CONNECTICUT	$3,258,827	$2,281,179	$977,648
DELAWARE	$1,421,275	$994,892	$426,383
FLORIDA	$11,354,881	$7,948,418	$3,406,463
GEORGIA	$7,555,917	$5,289,142	$2,266,775
HAWAII	$1,421,275	$994,892	$426,383
IDAHO	$1,421,275	$994,892	$426,383
ILLINOIS	$13,047,310	$9,133,118	$3,914,192
INDIANA	$6,481,644	$4,537,151	$1,944,493
IOWA	$3,216,816	$2,251,771	$965,045
KANSAS	$2,748,697	$1,924,088	$824,609
KENTUCKY	$4,429,124	$3,100,387	$1,328,737
LOUISIANA	$5,581,416	$3,906,991	$1,674,425
MAINE	$1,421,275	$994,892	$426,383
MARYLAND	$4,753,206	$3,327,244	$1,425,962
MASSACHUSETTS	$5,683,442	$3,978,409	$1,705,033
MICHIGAN	$10,772,733	$7,540,914	$3,231,819
MINNESOTA	$4,729,200	$3,310,440	$1,418,760
MISSISSIPPI	$3,480,883	$2,436,618	$1,044,265
MISSOURI	$5,641,431	$3,949,002	$1,692,429
MONTANA	$1,421,275	$994,892	$426,383
NEBRASKA	$1,812,460	$1,268,722	$543,738
NEVADA	$1,421,275	$994,892	$426,383
NEW HAMPSHIRE	$1,421,275	$994,892	$426,383
NEW JERSEY	$7,910,007	$5,537,005	$2,373,002
NEW MEXICO	$1,872,475	$1,310,733	$561,742
NEW YORK	$18,682,740	$13,077,919	$5,604,821
NORTH CAROLINA	$7,135,810	$4,995,067	$2,140,743
NORTH DAKOTA	$1,421,275	$994,892	$426,383
OHIO	$12,381,141	$8,666,800	$3,714,341
OKLAHOMA	$3,810,967	$2,667,677	$1,143,290
OREGON	$2,976,755	$2,083,728	$893,027
PENNSYLVANIA	$12,411,149	$8,687,805	$3,723,344
RHODE ISLAND	$1,421,275	$994,892	$426,383
SOUTH CAROLINA	$4,111,043	$2,877,730	$1,233,313
SOUTH DAKOTA	$1,421,275	$994,892	$426,383
TENNESSEE	$5,539,405	$3,877,583	$1,661,822
TEXAS	$20,897,302	$14,628,112	$6,269,190
UTAH	$2,670,678	$1,869,475	$801,203
VERMONT	$1,421,275	$994,892	$426,383
VIRGINIA	$6,229,580	$4,360,706	$1,868,874
WASHINGTON	$4,963,259	$3,474,281	$1,488,978
WEST VIRGINIA	$2,238,568	$1,566,998	$671,570
WISCONSIN	$5,479,390	$3,835,573	$1,643,817
WYOMING	$1,421,275	$994,892	$426,383
D.C.	$1,421,275	$994,892	$426,383
PUERTO RICO	$5,283,422	$3,698,395	$1,585,027

DRUG-FREE SCHOOLS AND COMMUNITIES ACT OF 1986 04-Nov-88
STATE GRANTS: FISCAL YEAR 1989

State	Total Allotment (100%)	Allotment for State and Local Educational Agencies (70%)	Allotment for Governor (30%)
OUTLYING AREAS:	$3,475,000	$2,432,500	$1,042,500
AMERICAN SAMOA	$456,666	$319,666	$137,000
GUAM	$1,291,037	$904,356	$387,581
NORTHERN MARIANAS	$229,409	$160,586	$68,823
PALAU	$184,743	$129,320	$55,423
VIRGIN ISLANDS	$1,312,245	$918,572	$393,673

Drug Free Schools and Communities Act of 1986
- 1989 Appropriation (including supplemental) -



DEPARTMENT OF EDUCATION

REGIONAL CENTERS

Five regional centers have been designated by the Department of Education to assist in accomplishing the following purposes: (1) train school personnel; (2) assist State education agencies in coordinating and strengthening local programs; (3) assist local agencies and postsecondary institutions in developing training programs; and (4) evaluate and disseminate information on successful prevention programs. The Centers are:

Northeast Regional Center

Super Teams, Ltd.
12 Overton Avenue
Sayville, N.Y. 11782
(516) 589-7022

Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont.

Southeast Regional Center

PRIDE, Inc.
100 Edgewood Avenue, Suite 1110
Atlanta, GA 30303
(404) 688-9227

Alabama, District of Columbia, Florida, Georgia, Kentucky, North Carolina, Puerto Rico, South Carolina, Tennessee, Virginia, Virgin Islands, West Virginia.

Midwest Regional Center

BRASS Foundation
2001 N. Clybourn, Suite 302
Chicago, IL 60614
(312) 726-2485

Indiana, Illinois, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin.

Southwest Regional Center

University of Oklahoma
555 Constitution Avenue
Norman, OK 73037
(405) 325-1711

Arizona, Arkansas, Colorado, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, Texas, Utah.

Western Regional Center

Northwest Regional Education Laboratory
101 S.W. Main Street, Suite 500
Portland, OR 97204
(503) 275-9479

Alaska, American Samoa, California, Guam, Hawaii, Idaho, Montana, Nevada, Northern Marianas, Oregon, Trust Territory of the Pacific Islands, Washington, Wyoming.

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February 3, 1989

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Maine	
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Governor's Representatives	State Education Agency Representatives
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Mr. Roy Thigpen Director Criminal Justice Planning Governor's Office of Federal and State Programs 301 West Pearl Street Jackson, Mississippi 39203 (601)949-2225	Ms. Paulette White Coordinator Drug-Free Schools Programs State Department of Education 550 High Street, P.O. Box 771 Jackson, Mississippi 39205 (601)359-3598
Missouri	
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Montana	
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Nebraska	
Dr. Cecilia D. Willis Director Division of Alcoholism & Drug Abuse Department of Public Institutions P.O. Box 94728 W. Van Dorn & Folsom Streets Lincoln, Nebraska 68509-4728 (402)479-5583	Mr. Gerald Sughroue Assistant Commissioner Division of School Assistance and Support State Department of Education P.O. Box 94987 Lincoln, Nebraska 68509-4987 (402)471-2783
Nevada	
Mr. Richard Ham Chief Bureau of Alcohol and Drug Abuse Office of the Governor 505 East King Street, Room 500 Carson City, Nevada 89710 (702)885-4790	Ms. Marcia R. Reardon Deputy Superintendent Office of Public Instruction State Department of Education Capitol Complex Carson City, Nevada 89710 (702)885-3100

Governor's Representatives	State Education Agency Representatives
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New Jersey	
Dr. Philip Brown Manager Bureau of Student Behavior and Development New Jersey State Department of Education Division of General Academic Education 225 West State Street, CN 500 Trenton, New Jersey 08625 (609)984-1890	Dr. Philip Brown Manager Bureau of Student Behavior and Development State Department of Education 225 West State Street, CN 500 Trenton, New Jersey 08625 (609)984-1890
New Mexico	
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New York	
Ms. Kathleen Coughlin Deputy Director for Substance Abuse Prevention Division of Substance Abuse Services Stuyvesant Plaza Executive Park Albany, New York 12203 (518)457-2963	Ms. Rebecca Gardner Chief Bureau of Health and Drug Education State Education Department Washington Avenue Albany, New York 12234 (518)474-1491
North Carolina	
Mr. William Carroll Acting Deputy Director Division of Mental Health Department of Human Resources 3325 North Salisbury Street Suite 1124, Albemarle Building Raleigh, North Carolina 27611 (919)733-4670	Mr. Steven L. Hicks Director Division of Alcohol and Drug Defense Department of Public Education 210 North Dawson Street Raleigh, North Carolina 27603-1712 (919)733-6615

Governor's Representatives	State Education Agency Representatives
North Dakota	
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Ohio	
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Oregon	
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Pennsylvania	
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South Dakota	
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Puerto Rico	
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DEPARTMENT OF HEALTH AND HUMAN SERVICES
ALCOHOL, DRUG ABUSE AND MENTAL HEALTH ADMINISTRATION

Alcohol, Drug Abuse, and Mental Health Services Block Grant

The Comprehensive Alcohol Abuse, Drug Abuse and Mental Health Amendments Act of 1988, included in Title II, Subtitle A of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), amends the Public Health Service Act (Title XIX, Part B) by reauthorizing and extending the Alcohol, Drug Abuse, and Mental Health Services (ADMS) Block Grant.

The Federal agency responsible for this program is the Department of Health and Human Services, Public Health Service, Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA).

The purpose of the ADMS Block Grant is to provide financial assistance to States and territories to support projects for the development of effective prevention, treatment, and rehabilitation programs and activities to deal with alcohol and drug abuse; to prevent the transmission of the etiologic agent for acquired immune deficiency syndrome (AIDS) by enhancing the capacity to treat intravenous drug abusers; to support community mental health centers for the provision of services to the mentally ill; to provide specialized services for seriously emotionally disturbed children and adolescents; to provide services designed for women (especially pregnant women and women with dependent children); and to conduct data collection and health services research on alcohol, drug abuse, and mental health disorders (with funding "tapped" from the Block Grant) to enhance knowledge and improve effectiveness of services.

The Block Grant mechanism was originally established by the Omnibus Budget Reconciliation Act of 1981 which allowed the States greater flexibility in controlling resources and addressing service needs within the State. States, in turn, contract with approved providers for the direct provision of services at the local level. The Federal Government retains responsibility for assuring State compliance with the Block Grant legislative requirements and for providing technical assistance.

For fiscal year (FY) 1989, Congress appropriated $805,594,000 for the ADMS Block Grant. Of this amount, ADAMHA has "tapped," or reserved, five percent for data collection and health services research as required by law. The amount remaining for grants to States for fiscal year 1989 is $765,314,000. A table showing State allocations for FY 1989 is included. On November 23, 1988, letters were sent to the States from the ADAMHA Administrator requesting applications for FY 1989 funds.

Public Law 100-690 consolidated funds previously provided to the States through the ADMS Block Grant and the Alcohol and Drug Abuse Treatment and Rehabilitation (ADTR) Block Grant, and added $125 million in new funding to be used for substance abuse services, with 50 percent of the monies to be used to carry out programs of treatment for intravenous drug abusers. To provide

more equitable distribution of Block Grant funds, the new legislation also contains a new congressionally-mandated allocation formula which utilizes urban population, age-weighted program factors, and Total Taxable Resources in a State. A previously used provision to allocate funds, based in part on pre-1981 distribution factors (called a "hold harmless" provision), will be phased out over a 4-year period beginning with FY 1989.

For further information on the availability of ADMS Block Grant monies, individuals and groups seeking such funds should contact the State alcohol, drug abuse, and mental health authority in their State. A list of these State contacts is included.

If you have any questions on the Federal role in the Block Grant, please contact Mr. Gary S. Palsgrove, Senior Advisor for Block Grants, ADAMHA, on (301) 443-3820.

ADMS BLOCK GRANT

State-by-State Allocations: FY 1989

SCHEDULE 1

State/Territory	FY 1988	FY 1989 Proposed Allocations					$125 M	IV Setaside
		CAO Distrib.	MM %	MM $	SA %	SA $		
Alabama	$9,328,000	$12,953,000	50.43%	6,532,462	49.57%	6,420,538	2,009,858	1,004,929
Alaska	2,093,000	2,734,000	10.40%	284,263	89.60%	2,449,737	424,222	212,111
Arizona	8,904,000	12,358,000	34.59%	4,274,646	65.41%	8,083,354	1,917,535	958,767
Indian Setaside	100,000	139,000	---	---	100.00%	139,000	---	---
Arkansas	6,385,000	7,000,000	51.34%	3,593,690	48.66%	3,406,310	1,086,158	543,079
California	48,405,000	87,351,000	22.35%	19,522,785	77.65%	67,828,215	13,553,858	6,776,929
Colorado	7,004,000	11,165,000	31.40%	3,506,128	68.60%	7,658,872	1,732,422	866,211
Connecticut	6,985,000	10,941,000	25.01%	2,736,750	74.99%	8,204,250	1,697,665	848,833
Delaware	1,428,000	2,125,000	3.08%	65,352	96.92%	2,059,648	329,727	164,863
District of Col	2,467,000	3,444,000	3.11%	107,243	96.89%	3,336,757	534,390	267,195
Florida	24,033,000	39,620,000	37.79%	14,971,381	62.21%	24,648,619	6,147,656	3,073,828
Georgia	10,927,000	15,837,000	44.66%	7,072,486	55.34%	8,764,514	2,457,355	1,228,678
Hawaii	2,827,000	4,095,000	36.99%	1,514,709	63.01%	2,580,291	635,403	317,701
Idaho	1,632,000	2,383,000	23.65%	563,544	76.35%	1,819,456	369,759	184,880
Illinois	19,221,000	35,699,000	37.56%	13,410,298	62.44%	22,288,702	5,539,252	2,769,626
Indiana	19,524,000	22,522,000	68.47%	15,420,653	31.53%	7,101,347	3,494,637	1,747,318
Iowa	2,839,000	4,809,000	0.95%	46,903	99.05%	4,763,097	746,191	373,095
Kansas	3,900,000	5,543,000	36.10%	2,001,202	63.90%	3,541,798	860,082	430,041
Kentucky	4,432,000	7,296,000	17.50%	1,276,764	82.50%	6,019,236	1,132,087	566,044
Louisiana	5,570,000	10,191,000	8.33%	848,514	91.67%	9,342,486	1,581,291	790,646
Maine	3,733,000	4,654,000	38.54%	1,793,712	61.46%	2,860,288	722,140	361,070
Maryland	4,754,000	12,085,000	4.15%	501,049	95.85%	11,583,951	1,875,175	937,587
Massachusetts	18,240,000	25,271,000	41.26%	10,426,670	58.74%	14,844,330	3,921,186	1,960,393
Michigan	15,630,000	27,271,000	18.67%	5,090,831	81.33%	22,180,169	4,231,517	2,115,759
Minnesota	4,692,000	8,920,000	13.75%	1,226,439	86.25%	7,693,561	1,384,076	692,038
Indian Setaside	113,000	214,000	---	---	100.00%	214,000	---	---
Mississippi	5,077,000	6,853,000	49.97%	3,424,315	50.03%	3,428,685	1,063,349	531,674
Missouri	9,643,000	14,318,000	39.66%	5,679,057	60.34%	8,638,943	2,221,659	1,110,830
Montana	2,153,000	2,964,000	34.52%	1,023,139	65.48%	1,940,861	459,910	229,955
Nebraska	2,634,000	3,949,000	28.00%	1,105,583	72.00%	2,843,417	612,748	306,374
Nevada	2,897,000	3,890,000	33.99%	1,322,254	66.01%	2,567,746	603,594	301,797
New Hampshire	3,844,000	4,627,000	57.19%	2,646,282	42.81%	1,980,718	717,951	358,975
New Jersey	20,647,000	31,449,000	38.17%	12,003,145	61.83%	19,445,855	4,879,799	2,439,899
New Mexico	4,934,000	6,435,000	37.58%	2,418,370	62.42%	4,016,630	998,490	499,245
New York	40,097,000	65,794,000	15.29%	10,059,859	84.71%	55,734,141	10,208,956	5,104,478
North Carolina	10,771,000	14,476,000	41.53%	6,012,210	58.47%	8,463,790	2,246,175	1,123,088
North Dakota	1,150,000	1,630,000	16.19%	263,948	83.81%	1,366,052	252,920	126,460
Ohio	23,585,000	36,561,000	49.57%	18,124,719	50.43%	18,436,281	5,673,004	2,836,502
Oklahoma	7,775,000	9,808,000	57.12%	5,602,751	42.88%	4,205,249	1,521,863	760,931
Oregon	5,875,000	8,111,000	27.47%	2,228,257	72.53%	5,882,743	1,258,547	629,274
Pennsylvania	25,114,000	39,746,000	37.30%	14,825,168	62.70%	24,920,832	6,167,206	3,083,603
Rhode Island	4,417,000	5,503,000	43.02%	2,367,600	56.98%	3,135,400	853,876	426,938
S. Carolina	6,583,000	8,909,000	43.93%	3,913,478	56.07%	4,995,522	1,382,369	691,185
S. Dakota	3,100,000	3,759,000	49.63%	1,865,562	50.37%	1,893,438	583,267	291,633
Tennessee	7,643,000	12,098,000	45.75%	5,534,679	54.25%	6,563,321	1,877,192	938,596
Texas	21,183,000	40,168,000	24.61%	9,884,068	75.39%	30,281,932	6,232,376	3,116,188
Utah	3,779,000	5,686,000	30.14%	1,713,887	69.86%	3,972,113	882,271	441,135
Vermont	3,313,000	3,918,000	51.32%	2,010,663	48.68%	1,907,337	607,938	303,969
Virginia	8,229,000	14,757,000	25.65%	3,785,295	74.35%	10,971,705	2,289,777	1,144,888
Washington	8,977,000	14,549,000	35.86%	5,217,987	64.14%	9,331,013	2,257,502	1,128,751
W. Virginia	4,227,000	5,635,000	44.45%	2,504,952	55.55%	3,130,048	874,357	437,179
Wisconsin	5,114,000	10,338,000	2.91%	300,679	97.09%	10,037,321	1,604,101	802,050
Wyoming	758,000	1,285,000	24.29%	312,099	75.71%	972,901	199,388	99,694
American Somoa	16,000	100,000	0.00%	0	100.00%	100,000	15,514	7,757
Guam	536,000	630,000	49.48%	311,708	50.52%	318,292	97,738	48,869
No.Mariana Islands	32,000	100,000	0.00%	0	100.00%	100,000	15,514	7,757
Puerto Rico	6,875,000	9,299,000	28.00%	2,603,649	72.00%	6,695,351	1,442,641	721,321
Trust Territories	60,000	136,000	0.00%	0	100.00%	136,000	21,099	10,549
Palau	(6,000)	(14,000)	0.00%	0	100.00%	(14,000)	(2,172)	(1,086)
Micronesia	(38,000)	(86,000)	0.00%	0	100.00%	(86,000)	(13,342)	(6,671)
Marshall	(16,000)	(36,000)	0.00%	0	100.00%	(36,000)	(5,585)	(2,793)
Virgin Islands	1,113,000	1,215,000	61.70%	749,676	38.30%	465,324	188,494	94,247
Total	$487,317,000	$765,314,000		$246,602,512		$518,711,488	$118,695,227	$59,347,613
				32.22		67.78		

ADAMHA 2/14/89

ADMS BLOCK GRANT

State-by-State Allocations: FY 1989

SCHEDULE 2

State/Territory	FY 1988	FY 1989 Proposed Allocations						
		Per Statute	MH %	MH $	SA %	SA $	$125 M	IV Setaside
District of Col...	2,467,000	3,303,000	3.11%	102,852	96.89%	3,200,148	512,512	256,256
American Samoa....	16,000	117,000	0.00%	0	100.00%	117,000	18,151	9,076
Guam.....	536,000	400,000	51.00%	204,000	49.00%	196,000	62,056	31,028
No.Mariana Islands	32,000	100,000	0.00%	0	100.00%	100,000	15,514	7,757
Puerto Rico.....	6,875,000	18,142,000	28.00%	2,839,683	72.00%	7,302,317	1,573,424	786,712
Trust Territories:	60,000	394,000			100.00%	394,000	61,125	30,562
Palau.....	(6,000)	(40,000)			100.00%	(40,000)	(6,298)	(3,103)
Micronesia.....	(38,000)	(249,000)			100.00%	(249,000)	(38,630)	(19,315)
Marshall.....	(16,000)	(105,000)			100.00%	(105,000)	(16,290)	(8,145)
Virgin Islands....	1,113,000	327,000	61.70%	201,765	38.30%	125,235	50,731	25,365

Explanation of Columns--Schedules 1 and 2

FY 1988: These dollars reflect the ADMS awards only. They do not include ADTR funds.

MH %: The percent of the total award identified for Mental Health Programs

MH $: The amount of the total award identified for Mental Health Programs

SA %: The percent of the total award identified for Substance Abuse Programs

SA $: The amount of the total award identified for Substance Abuse Program

$125 M: State share of the $125 million appropriated in PL 100-690 for Drug Abuse Programs. This amount is included in the SA $ column

IV Set Aside: The amount of the $125 million which must be used for IV drug abuse programs

Schedule 1 only

GAO Distribution: This column reflects Congressional intent but will require several technical amendments to the Block Grant legislation for the D.C. and Territorial allotments to be effective

Schedule 2 only

Per Statute: Present litural reading of the law, without proposed technical amendments

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Boise, Idaho 83720-9990

Mr. Donovan (208) 334-5500

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Mr. Robert Krumweid
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117 E. Washington Street
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11/25/88

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Mr. Ridgeway (504) 922-0730

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11/25/88

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Vermont Agency of Human Services
Attn: Mr. Wayne Calderara
Federal Program Analyst
Osgood Building
103 S. Main Street
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Ms. Morse (802) 241-2705

Mr. Howard M. Cullum
Commissioner, Virginia Department of
Mental Health, Mental Retardation
and Substance Abuse Services
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Richmond, Virginia 23214

Mr. Cullum (804) 786-3921

Mr. Robert H. Hansen, Director
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West Virginia Department of Health
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Mr. Timothy Cullen
Secretary
Wisconsin Department of Health and
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Madison, Wisconsin 53707

Mr. Cullen (608) 266-3681

Mrs. Sherri Lovercheck
Director, Wyoming Department of Health
and Social Services
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Division of Community Programs
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Mr. Pereira

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Mr. Cameron (671) 646-9621 9/624-5424

Dr. Joseph T. Villagomez
Director, Department of Public
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Government of the Northern Mariana Islands
Saipan, CN 96950

Dr. Villagomez

Ms. Marie Madison
Secretary of Health
Republic of the Marshall Islands
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Ms. Madison (202) 223-4952 (Local)

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Deborah McGregor, M.D.
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Mr. Gilbert D. Jones, Sr.
Chairman, Phoenix Service Unit
Indian Health Board, Inc.
P.O. Box 13410
Phoenix, Arizona 85016

Mr. Jones (602) 266-4911

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH ADMINISTRATION

Drug Abuse Treatment Waiting List Reduction Grant Program

Purpose.

Section 509E of the Public Health Service Act, as added by section 2053 of Public Law 100-690, the Anti-Drug Abuse Act of 1988, authorizes $100 million in grants to expand drug abuse treatment capacity and thereby reduce the time individuals must wait to be admitted to treatment. $75 million is appropriated for grants in FY 1989; the remaining $25 million is in President Bush's FY 1990 budget request.

Who is eligible?

Public and private non-profit drug abuse treatment programs that meet four statutory criteria: (1) experience in drug abuse treatment; (2) success in carrying out programs approved by the State; (3) have individuals who have waited for treatment more than 30 days; and (4) have access to financial resources to sustain expanded capacity beyond the one year grant period.

What types of treatment will be funded?

All modalities of drug abuse treatment are eligible for funding, except for inpatient hospital services (excluded by statute).

Are alcohol abuse treatment programs eligible for funding?

The statute states that waiting lists must be for drug abuse treatment. Individuals admitted for drug abuse treatment that also require alcohol abuse services may be counted and the cost of providing such treatment as a secondary diagnosis may be reimbursed under the grant program.

What programs will receive funding priority?

Programs are encouraged to apply for grants through State drug abuse authorities as part of a State "umbrella" application to assure that funds are targeted on programs the State has identified as having the most need. Programs that are part of a State umbrella application, have the greatest number of individuals awaiting admission for the longest time, propose the greatest number of new treatment slots, and have the strongest evidence of continued financial support will receive priority consideration for funding.

When will awards by made?

The program announcement was published in the Federal Register of February 24, 1989, beginning at p. 7990. Over 5000 announcements were mailed to individual drug abuse programs and State

authorities simultaneous with the published announcement. The application period closes on June 1 and awards will be announced in September. Eligible programs that do not rank high enough to receive FY 89 funds may receive FY 90 funds if appropriated.

Contacts for further information.

For programmatic information:

Office of Communicatione and External Affairs
Alcohol, Drug Abuse and Mental Health Administration
5600 Fishers Lane
Rockville, Maryland 20857

Telephone: Glenn Kamber (301) 443-3783
Jim Helsing (301) 443-3783
Tom Vischi (301) 443-3820

For grants management information:

Grants Management Branch
National Institute of Mental Health
5600 Fishers Lane
Room 7C-05
Rockville, Maryland 20857

Telephone: Bruce Ringler (301) 443-3065
Diana Trunnell (301) 443-3065
Steve Hudak (301) 443-4456

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH ADMINISTRATION

Community Youth Activity Program

Section 3521 of the Anti-Drug Abuse Act of 1988 (P.L. 100-690) authorizes a new Community Youth Activity Program.

The Act authorizes $40 million for fiscal year 1989, $55 million for fiscal year 1990, $60 million for fiscal year 1991, $66.55 million for fiscal year 1992, and $73.205 million for fiscal year 1993 to carry out the program.

For 1989, only $15 million was appropriated.

This program has three components: (1) a Block Grant Program for States; (2) a Demonstration Grant Program, which is a competitive program limited to the 50 States, the District of Columbia and Puerto Rico; and (3) contract authority for Programs of National Significance.

The Block Grant Program is being administered by the Alcohol, Drug Abuse and Mental Health Administration (ADAMHA). Information on this program is included in the pages that immediately follow. On January 3, 1989, ADAMHA sent letters to the States announcing the Block Grant Program and inviting applications. A copy of this letter is included.

The Office of Substance Abuse Prevention (OSAP) is administering the Demonstration Grant Program and the Programs of National Significance. Information about these two programs is included in the OSAP section of this guide at pages 73 through 76.

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH ADMINISTRATION

Community Youth Activity Program
Block Grant Program

DEPARTMENT OF HEALTH & HUMAN SERVICES — Public Health Service

JAN 3 1989

Alcohol, Drug Abuse and Mental Health Administration
Rockville MD 20857

The Honorable Harold Guy Hunt
Governor of Alabama
State Capitol
Montgomery, Alabama 36130

SAMPLE

Dear Governor Hunt:

My purpose in writing you is to invite you to apply for your State's fiscal year (FY) 1989 grant under the Community Youth Activity Program (CYAP) Block Grant Program recently created by the Anti-Drug Abuse Act of 1988 (P.L. 100-690), enacted on November 18, 1988. Congress has appropriated $3,562,500 to be distributed equally among the "States" (i.e., the 50 States, the District of Columbia, and Puerto Rico), and $71,250 which will be distributed equally among Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands (TTPI). Thus, each State may receive $63,509 and each of the five named Territories $14,250. The allotment for the Trust Territory of the Pacific Islands will be further allotted by population as follows: Federated States of Micronesia - $9,110, Republic of the Marshall Islands - $3,740, Republic of Palau-$1,400.

For your information, we are including a copy of Section 3521 of P.L. 100-690 which established this program. You will note that this is a drug abuse prevention rather than substance abuse prevention program. That is, activities and projects targeted primarily to alcohol abuse would not be eligible for funding under the CYAP Program. Please also note that the funds received may only be spent on direct activities; no amount may be deducted by the State/Territory to cover the costs of administration.

In order for your State/Territory to receive an allotment under this noncompetitive Block Grant Program, it will not be necessary to use any standard Federal application form. Rather, a simple narrative approach which satisfies the requirements for a complete application, as specified in P.L. 100-690, will be sufficient. The only requirements we are imposing, in addition to those in the statute, are that the application include a designation of the Government Agency to receive and administer the award and be signed by you as Chief Executive Officer. You may, however, specify that any applications for future years may be submitted over the signature of the Chief Executive Officer of the Agency initially designated by you.

The specific requirements for the content of an application are as follows. The application should briefly (but sufficiently) --

1. Demonstrate the State's/Territory's need for community services and partnerships to develop community activities targeted at youth drug abuse prevention through education, training, and recreation projects or other projects or activities that are consistent with these activities or projects. Such services may be provided by, and such partnerships may be entered into with --

   (A) local educational agencies;

   (B) law enforcement agencies;

   (C) community-based organizations;

   (D) community action agencies;

   (E) local or State recreation agencies;

   (F) business organizations; and in consultation with local and State health departments and with community health or mental health centers, when appropriate.

2. Provide a description of those activities and projects that will receive financial assistance from the CYAP block grant consistent with the activities and projects in paragraph 1. above. Assistance (e.g., subgrants) may be provided by you to any entity described in 1.(A) - (F) above, either individually or in partnership. (Applications submitted by such entities to you for such assistance shall include a description of the method to be used to evaluate the impact the particular service or partnership is intended to have on the drug abuse problem within the community.)

3. Describe the method to be used in evaluating the impact which block grant funded activities and programs have on the drug abuse problem within the communities in which such activities and projects are carried out. (You will be asked to provide us with a copy of the evaluation at the end of the grant.)

4. Specify the name and complete mailing address of the governmental agency to which the award is to be made. In addition, please specify the name and phone number of an individual to whom questions may be directed.

Amounts received must be obligated by you by the end of the Federal fiscal year (September 30, 1989) and all such obligations liquicated by December 31, 1989. Accordingly, the completed application should be signed by the Chief Executive Officer (e.g., Governor) of the State/Territory and forwarded as soon as possible to:

Mr. Thomas M. Reynolds
Division of Grants and
Contracts Management, ADAMHA
Room 13C-20
Rockville, Maryland 20857

(Telephone No: (301/443-3334)

(Forwarding the application to any other addressee results in processing delays.)

Sincerely yours,

Frederick K. Goodwin, M.D.
Administrator

NATIONAL INSTITUTE ON DRUG ABUSE

Demonstration Grants of National Significance

Legislative Authorization: Section 509G of the Public Health Service Act as added by Section 2055 of the Anti-Drug Abuse Act of 1988 (P.L. 100-690).

Funding: The Anti-Drug Abuse Act of 1988 appropriated $10 million for Demonstration Grants of National Significance.

Of this amount, $6 million is being used by the National Institute on Drug Abuse for two grant programs described on pages 68 and 69.

The Office of Substance Abuse Prevention has been given $3 million which it is using with about $1.5 million of other funds available to the agency to operate a research demonstration program for pregnant and post partum women. This grant program is described on p. 72.

The remaining $1 million is being given to the National Institute on Justice to run a research demonstration grant on outreach efforts on IV drug abusers. The Memorandum of Understanding on this is not yet completed.

In addition, the National Institute on Drug Abuse is conducting an ongoing research demonstration program on outreach activities to intravenous drug abusers for the prevention of AIDS. This grant program is described on p. 70.

NATIONAL INSTITUTE ON DRUG ABUSE

Research demonstration program on the feasibility and efficacy of programs providing drug abuse treatment and vocational training in exchange for public service

Many drug abuse treatment programs now require patients to pay some portion of treatment costs. Since drug abusing individuals seeking treatment may often have financial and employment problems, this requirement may impose a barrier for many in need of drug treatment. Also, many of those needing treatment lack appropriate job skills and need vocational training. An alternative to requiring direct or third-party payment for treatment is to allow individuals to exchange public service for treatment coupled with appropriate vocational training.

NIDA will support research demonstration studies to investigate the feasibility and efficacy of programs providing drug abuse treatment and vocational training in exchange for public service. The public service should have practical significance for the drug abuser and the community, and ideally would integrate the drug abuser's vocational training, aptitude, and ability. The research should address questions such as the following: How effective is the public service mechanism in attracting individuals into treatment who would otherwise be unable to afford it? Does the vocational training improve employment prospects for those who receive it? Does vocational training or public service influence such factors as drug use, criminality, family stability, and psychological attitudes?

This announcement was published in the NIH Guide on February 10, 1989, and program guidelines and the Request for Applications are now available. Receipt date for applications will be April 24, 1989; awards are planned for September 30, 1989. The number assigned to this RFA is DA-89-03.

Contact: Jack Blaine, M.D.
Chief, Treatment Research Branch
Division of Clinical Research
National Institute on Drug Abuse
Phone: (301) 443-4060

NATIONAL INSTITUTE ON DRUG ABUSE

Research demonstration program on the effectiveness of providing maternal care in drug abuse treatment to pregnant women, post-partum women, and their infants

The potential consequences of maternal drug abuse to offspring include retarded fetal growth, premature delivery, low birth weight, drug-specific neonatal withdrawal syndromes, poor motor control, learning difficulties, and abnormal environmental responses. Elimination or reduction in the maternal use of illicit drugs as a result of enrolling and retaining drug-abusing pregnant and post-partum women in drug abuse treatment may forestall such consequences, and providing medical care to these women should provide additional benefits.

Although drug-abusing childbearing women may be difficult to locate, enroll, and maintain in traditional drug abuse treatment programs, clinical studies have shown the importance of providing a continuum of care through therapeutic programs, comprehensive supportive services, and medical treatment.

NIDA will support controlled clinical studies to investigate the benefits of programs providing drug abuse treatment and maternal care services for drug-abusing pregnant and post-partum women and their infants. Of particular interest are research projects directed toward comprehensive programs that provide a continuum of prenatal and postnatal care, including detoxification or methadone maintenance, psychotherapy, social support activities, and general followup medical care for mother and infant. The research should address such questions as: Is the provision of prenatal and postnatal medical care in conjunction with drug treatment effective in attracting drug abusing women into treatment and retaining them in treatment? How does the provision of drug treatment, supportive services, and medical care influence the drug abusing woman and her infant with regard to such factors as drug use, physical health, lifestyle, family stability, and attitudes?

This announcement was published in the NIH Guide on February 10, 1989, and program guidelines and the Request for Applications are now available. Receipt date for applications will be April 24, 1989; awards are planned for September 30, 1989. The number assigned to this RFA is DA-89-03.

Contact: Jack Blaine, M.D.
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National Institute on Drug Abuse
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NATIONAL INSTITUTE ON DRUG ABUSE

Research Demonstration Program on Outreach Activities to Intravenous Drug Users for the Prevention of AIDS

Intravenous drug users comprise the second largest--and the most rapidly growing--group at risk for AIDS. It has been estimated that one-quarter of all diagnosed AIDS cases are intravenous drug users. Intravenous drug users are the primary link to two other groups at risk, namely heterosexual partners and children.

Drug abuse treatment is one method of preventing the spread of AIDS among intravenous drug users and thus reducing the chances of AIDS exposure. However, not all intravenous drug users are willing or able to enter treatment, and treatment settings may not be the best locations for intervening with the sexual partners of IV drug users. Consequently, NIDA has developed a research demonstration program targeted to intravenous drug abusers not in treatment and to their sexual partners. The focus of this nationally-coordinated AIDS research demonstration program is on outreach, counseling, education, HIV testing and counseling, and community involvement. The objective of the program is to assess the characteristics and risk-taking behaviors of the target populations and to evaluate the effectiveness of programs designed to change the behaviors that place IV drug users, their peers, and their sexual partners at risk for AIDS.

This Request for Applications was issued in January 1987. The number assigned to this RFA is DA-87-13.

Contact: Barry Brown, Ph.D.
Chief, Community Research Branch
Division of Applied Research
National Institute on Drug Abuse
Phone: (301) 443-6720

OFFICE FOR SUBSTANCE ABUSE PREVENTION

HIGH RISK YOUTH DEMONSTRATION GRANT PROGRAM

Legislative Authorization: Section 509A of the Anti-Drug Abuse Act of 1986, (P.L. 99-570) and as amended by Section 2051 of the Anti-Drug Abuse Act of 1988 (P.L. 100-690).

Program Description: Approximately $7 million will be available to support approximately 30 - 35 grants under a new grant announcement for high risk youth.

OSAP seeks to fund proposals that describe comprehensive, multilevel prevention/intervention strategies (1) that are directed toward reducing clearly specified risk factors in high risk youth of specified developmental age groupings; or (2) that demonstrate effective comprehensive service systems directed at primary prevention and early intervention for high risk youth. Priority will be given to prevention as well as early intervention models that address specified risk factors for the use of alcohol and other drugs at the individual level as well as some risk factors associated with the environment in which such youth reside (e.g., family or significant others in the environment of such youth, peers, school and/or recreation environment, community and society). A strong evaluation component for both process and outcome evaluation is a grant requirement.

Any public or nonprofit private entity is eligible to apply for support under this announcement for up to 5 years to permit an adequate evaluation of the proposed interventions.

Expected Date Announcement to be Published: February 1989

Contact Person: Bernard R. McColgan
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Office for Substance Abuse Prevention
(301) 443-4564

OFFICE FOR SUBSTANCE ABUSE PREVENTION

DEMONSTRATION GRANT PROGRAM FOR PREGNANT AND POSTPARTUM WOMEN AND THEIR INFANTS

Legislative Authorization: Sections 509F and 509G of the Public Health Service Act, as amended by adding Section 2054 of the Anti-Drug Abuse Act of 1988, P.L. 100-690.

Program Description: Approximately $4.5 million will be available to support approximately 20 - 25 grants under a new grant announcement for model projects to educate, prevent, and treat substance use by pregnant and postpartum women and their infants. The Office of Maternal and Child Health (OMCH) has joined the Office for Substance Abuse Prevention (OSAP) in support of this grant program.

Applications may be submitted by public or private nonprofit or for-profit organizations providing prevention, early intervention and/or treatment services in community based, inpatient, outpatient or residential settings. Under this announcement applicants are encouraged to address the complex and varied needs of the target populations in a comprehensive, holistic manner. These needs have been categorized as:

1. Biological/physical (e.g., detoxification, dietary, obstetrical);
2. Psychological (e.g., support, treatment for anxiety, depression, low self-esteem);
3. Instrumental (e.g., child care and transportation to facilitate the receipt of services, housing); and
4. Informational and educational (e.g., parenting, requirements for prenatal and postpartum health including the effects of substance use).

OSAP is seeking to fund projects that create, expand, augment or coordinate a comprehensive services delivery system that can meet the multiple needs of these target populations. All projects will be expected to have a well developed evaluation plan that is derived from the service activities of the project. Support may be requested for up to five years.

Expected Date Announcement to be Published: February 1989

Contact Person: Bernard R. McColgan
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OFFICE FOR SUBSTANCE ABUSE PREVENTION

Community Youth Activity Program

Section 3521 of the Anti-Drug Abuse Act of 1988 (P.L. 100-690) authorizes a new Community Youth Activity Program.

The Act authorizes $40 million for fiscal year 1989, $55 million for fiscal year 1990, $60 million for fiscal year 1991, $66.55 million for fiscal year 1992, and $73.205 million for fiscal year 1993 to carry out the program.

For 1989, only $15 million was appropriated.

This program has three components: (1) a Block Grant Program for States; (2) a Demonstration Grant Program, which is a competitive program limited to the 50 States, the District of Columbia and Puerto Rico; and (3) contract authority for Programs of National Significance.

The Block Grant Program is being administered by the Alcohol, Drug Abuse and Mental Health Administration (ADAMHA). Information on this program is included in the ADAMHA section of this guide at pages 63 through 66.

The Office of Substance Abuse Prevention (OSAP) is administering the Demonstration Grant Program and the Programs of National Significance. Information about these two programs is included in the pages that immediately follow.

On February 15, 1989, OSAP sent letters to each of the 50 States, the District of Columbia and Puerto Rico announcing the Demonstration Grant Program and inviting applications. A copy of this letter is included.

OSAP expects to announce the Programs of National Significance in mid-April 1989. A brief description of this program is provided.

OFFICE FOR SUBSTANCE ABUSE PREVENTION

Community Youth Activity Program
Demonstration Grant Program

DEPARTMENT OF HEALTH & HUMAN SERVICES — Public Health Service

Alcohol, Drug Abuse and
Mental Health Administration
Rockville MD 20857

FEB 15 1989

The Honorable Buddy Roemer
Governor of Lousiana
Baton Rouge, Louisiana 70804

SAMPLE

Dear Governor Roemer:

The Office for Substance Abuse Prevention (OSAP) is pleased to announce the Community Youth Activity Demonstration Grant Program as authorized by the Anti-Drug Abuse Act of 1988 (P.L. 100-690) and to invite your State to submit an application for funds under this program.

The Community Youth Activity Demonstration Grant Program is a competitive program limited to the 50 States, the District of Columbia, and Puerto Rico. Applications for funds under this program may be made only by a single government agency designated by your office. The designated agency need not be the same as the one previously authorized to apply for Community Youth Activity Block Grant funds announced January 3, 1989, in a letter to your office from the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration. It is important, however, that the block grant and the demonstration grant activities be coordinated at the State and local levels.

This program is intended to provide assistance to States for the purpose of establishing and evaluating innovative alcohol and other drug abuse prevention services for school-aged youth in communities where the need for such services is greatest. The program is also intended to encourage the formation of partnerships among local youth services and business organizations to achieve effective coordination and delivery of the proposed services.

The OSAP is authorized to make awards totalling approximately $10 million to States which successfully compete for grants under this program. Awards are expected to range from $100,000 to $500,000. These funds, once awarded to States, must be redistributed to subgrantee or contract organizations within local communities that will deliver the services for which support was requested. Each grantee is required to evaluate the impact of services supported by this program and may budget funds for this purpose. All other funds must be passed through to subgrantee or contract organizations for the support of services and activities outlined in the State's application.

Application materials, including a detailed announcement, are enclosed for your convenience. Completed applications must be received by May 15, 1989. Awards are expected to be issued in September 1989 to those States that successfully compete for funds under the Community Youth Activity Demonstration Grant Program. Further information about the grant program may be obtained from:

Ms. Gale A. Held, Director
Division of Prevention Implementation
Office for Substance Abuse Prevention
5600 Fishers Lane, Room 9A-40
Rockville, Maryland 20857
Telephone: (301) 443-0369

We are encouraged by the interest States have expressed in this grant program and look forward to working with your State in addressing one of the Nation's most important public health issues, alcohol and other drug abuse prevention among school-age youth.

Sincerely yours,

Elaine M. Johnson

Elaine M. Johnson, Ph.D.
Director
Office for Substance Abuse Prevention

Enclosure

OFFICE FOR SUBSTANCE ABUSE PREVENTION

Community Youth Activity Program
Programs of National Significance

Section 3521 (c) (2)of the Anti-Drug Abuse Act of 1988 (PL100-690) authorizes the Office of Substance Abuse Prevention, Department of Health and Human Services, Alcohol Drug Abuse and Mental Health Administration, to make contracts available providing for the establishment of projects designed to develop community-based activities targeted for youth. Such alcohol and other drug abuse prevention programs will be through national youth activities, education and recreation projects. The purpose of this contract is to stimulate and develop alcohol and other drug prevention components into existing youth serving organizations. The contractor(s) will demonstrate active involvement and commitment through its affiliates and chapters. Innovative community-based programs will be geographically dispersed to accomplish the goals of the national project.

A request for contractors will be announced in mid-April. Potential applicants should request information from the contracts office, David Eskenasi, at 301-443-2696. Guidelines will be made available at that time. However, organizations and associations with an interest in Programs of National Significance should begin to examine program options and possible areas of development at this time. The timeline between application announcement and due date will be approximately 45 days.

The review process should take about two months, awarding of contracts will be available for start-up by Septemebr, 1989.
For information on the programmatic aspects of this alcohol and other drug abuse prevention program, please feel free to call Darlind Davis at the Office for Substance Abuse Prevention, Division of Prevention Implementation (301) 443-0369.

ADMINISTRATION FOR CHILDREN, YOUTH, AND FAMILIES

Drug Education and Prevention Relating to Youth Gangs

Subtitle B, chapter 1 of title III of the Anti-Drug Abuse Act of 1988 (P.L. 100-690, sections 3501-3505) establishes a drug abuse education and prevention program relating to youth gangs.

The Act authorizes $15 million for fiscal year 1989 and such sums as may be necessary for each of fiscal years 1990 and 1991 to carry out the program.

For 1989, $15 million was appropriated.

The Act authorizes grants to, and contracts with, public and nonprofit private agencies, organizations (including community based organizations with demonstrated experience), institutions, and individuals for projects to prevent the participation of youth in gangs that engage in illicit drug-related activities; to promote involvement of youth in lawful activities; to prevent drug abuse by youth, educate youth about drug abuse, and refer for treatment and rehabilitation youth gang members who abuse drugs; to support outreach activities by law enforcement to youth gangs that commit drug crime; to inform gang members about the availability of treatment and rehabilitation services for drug abuse; to facilitate coordination among local school, juvenile justice, employment, social service, and drug treatment and rehabilitation agencies and programs to prevent the participation of youth in gangs that commit drug-related crimes; and for projects otherwise related to prevention of youth gang drug crime.

This program is being administered by the Administration for Children, Youth, and Families in the Office of Human Development Services, Department of Health and Human Services. The contact for the program is listed below. No other information about the program was available from the agency at the time this guide was compiled.

Contact: Mr. Frank Fuentes
Administration for Children, Youth, and Families
Donahoe Building
400 Sixth Street, SW
Room 3030
Washington, D.C. 20201

Telephone: (202) 755-8888

ADMINISTRATION FOR CHILDREN, YOUTH, AND FAMILIES

Program for Runaway and Homeless Youth

Subtitle B, chapter 2 of the Anti-Drug Abuse Act of 1988 (P.L. 100-690, sections 3511-3515) establishes a new drug abuse prevention program aimed at runaway and homeless youth.

The Act authorizes $15 million for fiscal year 1989 and such sums as may be necessary for each of fiscal years 1990 and 1991 to carry out this program. This authorization is subject to the limitation that funds are authorized for the program for a fiscal year only if the aggregate amount appropriated to carry out the Runaway and Homeless Youth Act (title III of the Juvenile Justice and Delinquency Prevention Act of 1974, 42 U.S.C. 5701-5751) for such year is not less than the previous year's appropriation for that Act.

For 1989, $15 million was appropriated to carry out this new runaway and homeless youth program. Grants are authorized to public and private nonprofit agencies, organizations, and institutions to carry out research, demonstration and services projects to provide counseling to runaway youth and their families and to homeless youth to prevent or reduce the illicit use of drugs by such youth; to support peer counseling, community education, outreach, training, research, and services coordination related to illicit drug use by runaway and homeless youth; and to provide runaway and homeless youth in rural areas assistance related to the illicit use of drugs.

Priority in awarding grants will be given to agencies and organizations that have experience in providing services to runaway and homeless youth.

Grants may be made for a 3-year period.

This program is being administered by the Administration for Children, Youth, and Families in the Office of Human Development Services, Department of Health and Human Services. The contact for the program is listed below. No other information about the program was available from the agency at the time this guide was compiled.

Contact: Mr. Frank Fuentes
Administration for Children, Youth, and Families
Donahoe Building
400 Sixth Street, SW
Room 3030
Washington, D.C. 20201

Telephone: (202) 755-8888

ACTION

Community-Based Volunteer Demonstration Projects for Drug Abuse Education and Prevention Services and Activities

ACTION is the Federal Domestic Volunteer Agency. The Anti-Drug Abuse Act of 1988 (section 3401) authorizes the Director of ACTION to make grants to public and private nonprofit organizations for innovative, community-based volunteer demonstration projects which provide comprehensive drug abuse education and prevention services and activities to youth during summer months, with priority to projects that serve high-risk youth and provide opportunities to parent involvement.

The 1988 legislation authorizes $4 million for fiscal year 1989 and $5 million a year for fiscal years 1990 and 1991 for drug abuse prevention under the Domestic Volunteer Service Act. Between 15 and 25 percent of these funds are earmarked for the community-based volunteer demonstration projects for drug abuse prevention activities authorized under the Anti-Drug Abuse Act of 1988. Of the $4 million authorized for 1989, $2 million was appropriated to ACTION in the 1988 omnibus drug bill for substance abuse prevention and education activities.

In the February 21, 1989, Federal Register, ACTION announced the availability of funds during fiscal year 1989 for the summer youth illicit drug use prevention grants program established under the Anti-Drug Abuse Act of 1988. Information on this grant program and other drug abuse prevention grants available through ACTION can be obtained by contacting:

ACTION
Program Demonstration and Development/
Drug Abuse
Room M-513
806 Connecticut Avenue, NW
Washington, D.C. 20525
(202) 634-9757

THE ANTI-DRUG ABUSE ACT OF 1988, P.L. 100-690

OVERVIEW

1988 was another significant year for legislative efforts to control drug abuse and drug trafficking. For the second time in as many years, Congress enacted comprehensive legislation to address all aspects of the nation's drug problems, providing new tools and additional resources to combat international narcotics traffic, improve drug interdiction and law enforcement, and expand drug abuse treatment, prevention, and education.

Enactment of omnibus anti-drug legislation was the last major priority of the 100th Congress. Congress completed action on H.R. 5210, the Anti-Drug Abuse Act of 1988 on Saturday, October 22, 1988, in the waning hours of the 100th Congress. President Reagan signed H.R. 5210 into law (P.L. 100-690) on Friday, November 18, 1988.

As in 1986 when Congress enacted an omnibus drug package, passage of the Anti-Drug Abuse Act of 1988 is a tribute to the bipartisan leadership in the House and the Senate. Once again, the House Democratic and Republican leadership initiated the drafting of this new drug bill. The Select Committee on Narcotics Abuse and Control was again given the opportunity to play a unique role in the development of this legislation. The Committee served as a resource for the House leadership, the standing committees of the House and individual Members during the formulation of this measure and directly assisted the House leadership when H.R. 5210 was debated on the House floor.

The Anti-Drug Abuse Act of 1986 (P.L. 99-570) provided for the first time a comprehensive legislative response to the crisis of drug abuse and drug trafficking affecting our nation. That historic legislation was a bold beginning toward the goal of establishing an effective national strategy to fight drugs, providing $1.6 billion in new Federal funds and a host of new legal tools for anti-drug efforts across the board. But Congress recognized that the 1986 Act was only a first step, that much more work remained.

Indeed the past two years have been disappointing from the standpoint of narcotics control. Despite the added resources and authorities in the 1986 law, drug problems have continued to grow.

The State Department's annual international narcotics control strategy reports confirm that the production of illicit narcotics crops aboard continues to escalate unabated and that the power of ruthless, international drug cartels threatens the survival of some fragile democratic governments in our hemisphere. The amount of illicit drugs crossing our borders continues to increase. Our cities, neighborhoods, and schools are inundated with drugs that are readily accessible, cheaper and more potent than ever before.

The demand for drug abuse treatment far exceeds the capacity of existing programs. Waiting lists are common. The lack of services is exacerbated further by the continuing "crack" cocaine epidemic and the growing problem of AIDS related to intravenous drug abuse.

Prevention and education offer the best hope for a long-term solution to drug abuse, but it will take years for these efforts to yield results.

Unlike 1986, when the cocaine overdose death of University of Maryland basketball star Len Bias shocked the nation into action, there was no single event in 1988 that triggered public outcry for stronger Federal efforts against drugs. Rather, a number of factors and trends seemed to sharpen the public's perceptions of, and concerns about, the drug problem.

The Select Committee's hearings in 1987 and 1988 documented several of these phenomena, for example: the growing number of seriously damaged babies born to cocaine-addicted mothers; the spread of AIDS via intravenous drug abuse, including the transmission of AIDS to the unborn; the increased violence of drug gangs fighting for control of profitable markets in urban neighborhoods; the growing involvement of youth in drug dealing; the public debate over legalization of drugs; the corruption and intimidation of public officials in Latin America and the Caribbean; and the brazen efforts of drug traffickers to intimidate U.S. law enforcement, symbolized by the assassination of Edward Byrne, a rookie New York City Police Officer, as he guarded the home of a key prosecution witness in a drug trial.

By the early part of 1988, all of these elements and more contributed to put drug abuse and drug trafficking at the top of the list of Americans' concerns, according to public opinion polls.

Against this backdrop of escalating drug problems and intensified public concern, House Speaker Jim Wright, on May 2, 1988, convened a meeting of House committee chairmen with jurisdiction over drug abuse and drug trafficking issues. The purpose of the meeting was to discuss additional measures the House could enact before the end of the 100th Congress that would build upon and improve the 1986 omnibus anti-drug package. Each committee chairman presented a short summary of pending legislation or issues under consideration in his committee that could be included in a new omnibus drug bill. The Speaker designated Majority Leader Thomas Foley to coordinate House efforts to write a new drug bill and to work closely with Republican Leader Robert Michel to develop a bipartisan consensus on this new legislation. A target date of June 21 was set for committees to report out the individual provisions they would recommend for inclusion in the omnibus measure.

On May 9, Speaker Wright issued a statement announcing the new steps underway in the House to address the drug problem. He said he had met with the chairmen of the committees of jurisdiction the week before and asked them "to expedite consideration of such new measures as recent experience shows to be needed." Further discussing the need for prompt action, he said:

> The menace of illegal drugs is growing worse. It endangers our schools, our workplaces, our streets, and sometimes our families. We must defend the American people against this scourge. We cannot sit by as the United States loses the war against drugs. The experience of the last two years has been helpful. We must build upon it.

Over the course of the next several weeks, the various standing committees involved in this process met to mark up and report legislative proposals for a comprehensive drug package. In keeping with leadership directives, an effort was made by the committees to work on a bipartisan basis in putting together their legislative recommendations. Many committees were able to report by the June 21 target date, but some of the panels dealing with highly controversial issues did not complete work on their proposals until just after the July 4 district work period.

During this same period of time, a parallel effort was underway by House Republicans to develop comprehensive anti-drug proposals. At the direction of House Minority Leader Robert Michel, the Republican Task Force on Drugs was formed in late March, a group of 55 Republican House Members representing every committee. On June 16, 1988, the Republican Task Force on Drugs introduced H.R. 4842, the Comprehensive Anti-Drug Abuse Act of 1988. This measure included recommendations for drug demand reduction and user accountability, drug law enforcement, international drug control and interdiction improvement. A number of these proposals were incorporated or modified by the standing committees during the process of marking up legislation for inclusion in the bipartisan, House leadership omnibus drug bill. Other highly controversial measures, such as the death penalty for drug kingpins and modification of the exclusionary rule were not approved at the committee level.

The weeks between the July 4 and the August district work periods were spent assembling a core omnibus drug bill from the recommendations proposed by the standing committees and the Republican Task Force on Drugs. During this period, the House leadership and the committees worked to resolve as many jurisdictional conflicts and policy differences as possible and to establish a bipartisan agreement on issues and procedures for floor debate.

On August 8, the Rules Committee met to consider the nearly 150 amendments filed on the omnibus drug package. The Committee granted a rule for the consideration of an omnibus anti-drug initiative on Wednesday, August 10, making in order only those amendments printed in the Committee report accompanying the proposed rule and any amendments offered by the Majority Leader after consultation with the Minority Leader.

On August 11, Majority Leader Foley and Minority Leader Michel introduced H.R. 5210, the bipartisan leadership drug bill entitled the Omnibus Drug Initiative Act of 1988. That same day the House approved H. Res. 521, the rule providing for consideration of H.R. 5210 by a vote of 363–41.

The House began floor consideration of H.R. 5210 upon its return from the August/Labor Day district work period. General debate on the bill occurred on Wednesday, September 7. The House consid-

ered amendments to the bill on September 8, 14, 15, 16 and 22. H.R. 5210, as amended, passed the House on September 22 by a vote of 375–30.

Throughout House consideration of the measure, Chairman Rangel assisted the Majority Leader in managing floor debate. Many other Select Committee members participated actively in the debate both in their capacity as members of the Select Committee and as members of standing committees of jurisdiction.

During the course of the floor debate, several members of the Select Committee offered amendments to the bill:

Mr. Rangel—life imprisonment without parole for drug-related killings (passed, but superceded under "king of the hill" rule by Mr. Gekas' death penalty amendment); user accountability substitute, with Mr. Dingell and Mr. Montgomery (failed).

Mr. Ortiz—to allow use of Justice Assets Forfeiture Fund to assist State and local penal facilities (failed).

Mr. Hughes—user accountability, with Mr. McCollum (passed); prohibited distribution of anabolic steroids (passed).

Mr. DioGuardi with Mr. Shaw—mandatory drug testing of certain federal probationers (passed).

Mr. Oxley—drug czar (passed, but superceded under "king of the hill" rule by Mr. Brooks' alternative amendment); operation sting amendments to money laundering offenses (passed).

Mr. Smith of Florida—amendment to the Pepper amendment authorizing Anti-Narcotics Model Community Assistance Demonstration Grants (passed).

In addition, the leadership en bloc amendment of non-controversial provisions, offered by Mr. Foley and Mr. Michel and adopted by the House, included several amendments by Select Committee Members:

Mr. DioGuardi—drug prevention in public housing.

Mr. Hughes—allowing use of some forfeited assets for U.S. Attorneys, Organized Crime Drug Enforcement Task Forces, Federal prison construction, and certain Drug Enforcement Administration programs; benefits for DEA personnel serving abroad.

Mr. Rangel—renaming the State and Local Narcotics Control Assistance Program after slain New York City Policeman Edward Byrne.

Mr. Dornan (with Mr. Wyden)—establishing the joint EPA/DEA Task force on clandestine drug laboratories.

Mr. Akaka—requiring DEA to prepare an environmental impact statement on the use of weed oil to eradicate marijuana in Hawaii.

In addition to the provisions highlighted above, the omnibus anti-drug bill passed by the House incorporated the substance of several legislative initiatives and concepts proposed by the Select Committee. These proposals included: H.R. 2453, the National Narcotics Leadership Act, to create a full-time, high-level, drug coordinator in the Executive Branch; H.R. 4811, the Local Drug Enforcement Enhancement Amendments of 1988, to reauthorize, increase and streamline law enforcement assistance to States and localities; H.R. 3292, the Intravenous Substance Abuse and AIDS Prevention Act of 1987, to provide funds for treatment of intravenous drug abusers and other activities to prevent the spread of AIDS via intravenous drug use; proposals to increase military assistance to Colombia to

fight drug trafficking, and to allow Export-Import Bank financing for certain military equipment sales to democratic countries primarily to combat narco-traffickers; and a call for a Western Hemisphere drug summit meeting.

The Senate passed H.R. 5210, with amendments, on October 14. In lieu of a formal conference, the differences between the two versions of the bill were resolved through a series of informal negotiations among House and Senate Members, with a bicameral and bipartisan leadership panel serving as the ultimate arbiters of disputes that could not be reconciled by House and Senate negotiators. H.R. 5210 was passed in final form as the Anti-Drug Abuse Act of 1988 by both the House (346–11) and the Senate (voice vote) in the early morning hours of Saturday, October 22, 1988. The bill was signed into law (P.L. 100–690) by President Reagan on Friday, November 18, 1988.

In addition to new tools and resources for expanded anti-drug efforts in the traditional areas of drug demand and supply reduction, the law includes a number of "user accountability" provisions. Although some of the most controversial features of these amendments were modified or eliminated from the final Act, these new sanctions represent a different direction in Federal drug abuse prevention and control policy. These provisions will allow the denial of Federal benefits, including public housing, to drug users; require Federal contractors and grantees to maintain drug-free workplaces and subject them to penalties if they do not comply; permit the Justice Department to levy civil fines for possession of "personal use" amounts of drugs; and authorize a four-state pilot program to randomly test new driver's license applicants for illicit drug use and to deny driving privileges to those who test positive.

The bill also creates a Federal death penalty for certain drug-related killings. It mandates the appointment of a full-time, Cabinet-level Director of National Drug Control Policy—a so-called "Drug Czar"—to direct Federal drug policy development and implementation. Certain other controversial provisions adopted by one body or the other, such as drug testing and modification of the exclusionary rule, were dropped from the final legislation.

The Anti-Drug Abuse Act of 1988 represents another significant step toward the creation of a comprehensive Federal anti-drug strategy. The Select Committee believes Congress must exercise careful and continuing oversight of this legislation to assure that it is carried out quickly and effectively and must be ready to provide additional resources and remedies as needed to sustain and improve Federal anti-drug efforts.

A summary of the bill's highlights, a title-by-title analysis and funding summaries of the Anti-Drug Abuse Act of 1988 follow.

H.R. 5210, Anti-Drug Abuse Act of 1988 (P.L. 100–690)

SUMMARY OF KEY PROVISIONS

Funding.—Authorizes new spending of $2.7 billion for 1989, divided almost evenly between drug demand reduction efforts and drug supply reduction programs. Also provides new appropriations (BA) of $991 million for 1989 which will result in about $500 million in actual 1989 spending (outlays). The new BA and outlays for

1989 are allocated approximately 45% to demand reduction and 55% to supply reduction. Approximately $1.7–$1.8 billion of the amount authorized in the Act remains unfunded.

Drug Czar.—Creates an "Office of National Drug Control Policy" in the Executive Office of the President, headed by a full-time, Cabinet level Director of National Drug Control Policy. Grants director broad authority to coordinate and oversee the Federal anti-drug effort. Requires yearly submission to Congress of a National Drug Control Strategy. Requires development of a National Drug Control Program budget proposal for each fiscal year.

International Narcotics Control.—

Calls for a Western Hemisphere drug summit.

Calls for exploration of the feasibility of a Latin American regional anti-narcotics strike force.

Allows the Export-Import Bank to extend credit of up to 5% of its loan guarantee authority in connection with a sale of defense articles or services to a democratic country for primarily anti-narcotics purposes.

Provides authority to revoke passports of convicted drug dealers.

Allows limited waiver of Section 660 of the Foreign Assistance Act to provide arms, ammunition, and training to foreign police to fight drug trafficking.

Requires Secretary of State to consult with agencies and foreign governments of either cocaine producing, trafficking or consuming countries about creating an integrated regional plan to fight the international cocaine trade. Requires report to Congress in six months.

Treatment and Prevention Programs.—

Revises and extends Alcohol, Drug Abuse and Mental Health Services Block Grant for three years, authorizing $1.5 billion for FY 1989. Establishes a new formula for distributing funds based on population and state fiscal capacity, and phases in the formula over four years. Provides set-asides for the treatment of substance abusers, for services for IV drug abusers, and for services for women and children.

Authorizes $100 million for Secretary of Health and Human Services to make grants to reduce waiting lists for drug treatment.

Reauthorizes Office of Substance Abuse Prevention for three years and authorizes $95 million for fiscal year 1989 and such sums as necessary for each of fiscal years 1990 and 1991.

Requires Director of Office of Substance Abuse Prevention to make grants to support model projects for pregnant and postpartum women and their children for the prevention, education, and treatment of drug and alcohol abuse.

Includes authorizations for 1989 for drug research ($135 million), alcohol research (such sums as necessary), mental health research, drug abuse demonstration projects of national significance ($34 million), mental health demonstration projects ($60 million), increased veterans drug and alcohol treatment ($15 million), cleanup of toxic wastes from illicit drug labs ($4 million), and to help employers establish employee assistance programs ($4 million).

Education and Prevention.—

Increases the FY 1989 authorization for the Drug Free Schools and Communities Act by $100 million, up to $350 million.

Authorizes a variety of new drug abuse prevention programs at the following levels for FY 1989:

$15 million for youth gang intervention activities;
$40 million for community youth activity programs;
$15 million for runaway and homeless youth programs;
$16 million for teacher training activities;
$10 million for drug abuse education efforts for participants in the WIC program.

Drug-Free Workplaces for Federal Grantees and Contractors.—Requires Federal contractors and grantees to maintain drug free workplaces by establishing and announcing employee anti-drug policies and education programs, and by imposing sanctions on violators or requiring them to participate in treatment programs. Employer sanctions for failure to comply include suspension or termination of contract or grant payments, and debarment from future contracts or grants for up to five years.

Legalization.—Expresses sense of Congress against legalization of drugs.

Federal Drug Enforcement.—Authorizes additional funds to enhance efforts of the Drug Enforcement Administration, the FBI, the Customs Service, the Coast Guard, the Organized Crime Drug Enforcement Task Forces, the United States Marshals Service, the Federal Prison System, the United States Attorneys, the Federal Judiciary, the Border Patrol, the Bureau of Alcohol, Tobacco, and Firearms, the National Park Service, the Forest Service, and the Bureau of Land Management.

State and Local Law Enforcement Assistance.—Merges the state and local drug enforcement grant program (created under the Anti-Drug Abuse Act of 1986) and the Justice Assistance Act grant program into a new state and local law enforcement assistance program. Authorizes $275 million for 1989, $350 million for 1990, $400 million for 1991 and such sums as necessary for 1992. Provides block grants and discretionary grants to assist state and local enforcement of anti-drug laws and to improve the functioning of the criminal justice system with special emphasis on violent crime and serious offenders. Establishes timetables to expedite the flow of block funds to states and localities.

User Accountability.—At the discretion of the court, Federal benefits may be denied to persons convicted of a drug distribution or possession offense.

Benefits to be denied include any contract, grant, loan, professional license provided by an agency of the United States or by appropriated funds of the United States.

Benefits exempted include any retirement, welfare, Social Security, health, disability, veteran's benefit, public housing, or other benefit for which payment or services are required for eligibility.

Allows waiver for persons convicted of drug possession if individual declares self as addict, submits to long-term treatment, or is deemed rehabilitated.

Allows for suspension of ineligibility if individual is in treatment, rehabilitated, or makes a good faith effort to secure treatment.

Requires a report from the President by May 1, 1989, on methods to implement the measure.

Denial of Federal benefits applies only for convictions after September 1, 1989.

Drugs and Public Housing.—Provides that drug-related criminal activity, including illegal drug use, by a public housing tenant, a member of the tenant's household or a tenant's guest on or near public housing premises shall be cause for termination of tenancy.

Civil Penalties.—Allows Justice Department to assess civil penalties of up to $10,000 for possession of "personal use" amounts of marijuana, cocaine, and certain other illegal drugs. Individual has a right to an administrative hearing and may seek judicial review of the penalty in Federal district court with the protections afforded a defendant in a criminal trial.

Death Penalty.—Allows for the imposition of the death penalty for drug-related killings by (1) drug kingpins or other serious drug felons who intentionally kill or cause the intentional killing of any persons, and (2) any Federal drug felon who intentionally kills or causes the intentional killing of a law enforcement officer.

Criminal Aliens.—Provides for expedited deportation of criminal aliens who have been convicted of aggravated felonies, which include drug trafficking, gun trafficking, and murder.

Money Laundering.—Authorizes various initiatives and sanctions to combat money laundering, including:

Requiring improved recordkeeping on certain transactions.

Clarifying Postal Service enforcement authority.

Exempting from criminal liability the acceptance of bona fide attorney's fees paid from criminally derived property.

Requiring the Secretary of Treasury to negotiate with countries whose financial institutions do business in U.S. currency for agreements to ensure that financial institutions maintain adequate records of large U.S. currency transactions and make them available to U.S. law enforcement officials.

Establishing a "tax predicate" money laundering offense which makes money laundering to evade taxes a crime.

Federal Aviation Administration Drug Enforcement Assistance.—Enhances the role of the FAA in drug enforcement and interdiction by strengthening regulations relating to aircraft registration, issuing of airman's certificates, and altering fuel systems and by authorizing civil and criminal penalties for violations of the new regulations.

Handgun Purchases.—Within one year of enactment of the legislation the Justice Department must report to Congress a description of the system it has developed to determine whether prospective handgun purchasers are convicted felons. Justice is to begin implementation of the system 30 days after report.

Habeas Corpus.—Requires expedited consideration during the First Session of the 101st Congress of legislation modifying Federal habeas corpus procedure.

Innocent Owner.—Establishes petition procedure and a legal defense whereby innocent owners may seek the return of boats, airplanes, and other conveyances seized for drug violations.

Chemical Diversion.—Establishes new recordkeeping and reporting requirements and controls on certain chemicals that can be used to produce illegal drugs, and establishes penalties for diversion of chemicals into illegal drug manufacture.

Random Drug Testing of New Drivers.—Authorizes $5 million for a four state pilot program to randomly test new driver's license applicants for illicit drug use. Applicants testing positive shall be denied driving privileges for at least a year. Reinstitution available after three months subject to testing on a regular basis for nine months with no subsequent positive test result.

Suspension of Drivers' Licenses.—Provides for the suspension of a driver's license and other penalties for drunk or drugged driving in the special maritime and territorial jurisdiction of the United States. Creates implied consent to test motor vehicle operators in these Federal areas for alcohol or drugs when stopped for drunk or drugged driving. Revokes operating privileges in these areas for one year for refusal to take such a test.

Drunk Driving Prevention Programs.—Provides grants to states that adopt and implement drunk driving prevention programs that include measures to improve effectiveness of enforcing laws to discourage individuals from operating vehicles while under the influence of alcohol.

Alcohol Warning Labels.—Requires the container of any alcoholic beverage for sale and distribution in the United States to bear a label warning of alcohol's health risks, including the risks to a pregnant woman and her unborn child, and of the risk of impairment in driving a car and operating machinery.

Child Pornography and Obscenity.—Strengthens Federal child pornography and obscenity laws.

TITLE-BY-TITLE ANALYSIS

TITLE I—COORDINATION OF NATIONAL DRUG POLICY

SUBTITLE A—NATIONAL DRUG CONTROL PROGRAM: "NATIONAL NARCOTICS LEADERSHIP ACT OF 1988"

Establishes Office of National Drug Control Policy in the Executive Office of the President headed by a full-time Cabinet-level Director of National Drug Control Policy.

The Director will be appointed by the President, confirmed by the Senate, and serve at the pleasure of the President. The Director will be assisted by the Deputy Director for Demand Reduction and the Deputy Director for Supply Reduction who are to be appointed by the President and confirmed by the Senate.

The responsibilities of the Director include:

Advising the National Security Council on national drug control policy;

Establishing policies, objective, and priorities of the National Drug Control Program;

Promulgating an annual National Drug Control Strategy, the first one to be submitted by the President to Congress no

later than the 180 days after the Director is confirmed and no later than February 1 each subsequent year;

Developing for each fiscal year, with the advice of the program managers of departments and agencies, a consolidated National Drug Control Program budget;

Coordinating and overseeing implementation of policies by agencies;

Recommending management and personnel changes necessary to implement the strategy;

Consulting with State and local governments;

Appearing before constituted Committees of the Congress to represent the drug policies of Administration;

Notifying agencies when they are not in compliance with strategy.

The head of each National Drug Control Program Agency will provide the Director with such information as needed for drug control.

Establishes the Bureau of State and Local Affairs within the Office of National Drug Control Policy, headed by an Associate Director for National Drug Control Policy. The Associate Director shall be appointed by the President and is subject to Senate confirmation.

Permits the Director to designate, after certain specified consultations, any specified area of the United States as a high intensity drug trafficking area. That area may then receive increased Federal assistance, including temporary reassignment of Federal personnel.

Lead Agencies.—President shall designate lead agencies with areas of principal responsibility for carrying out the National Drug Control Strategy.

Terminates National Drug Enforcement Policy Board, National Border Interdiction System, and White House Drug Abuse Policy Office.

Requires Presidential Reorganization Study to determine the necessity to group, coordinate, consolidate agencies and functions of the Federal government involved in supply reduction and demand reduction.

Sunset provision terminates Office of National Drug Control Policy, 5 years after date of enactment.

Authorizes $3.5 million for fiscal year 1989, and such sums as necessary for each of 4 succeeding years.

Effective date: January 21, 1989. .

SUBTITLE B—DEPARTMENT OF JUSTICE CIVIL ENFORCEMENT ENHANCEMENT: "JUSTICE DEPARTMENT ORGANIZED CRIME AND DRUG ENHANCEMENT ACT OF 1988"

Requires Director of National Drug Control Policy, in consultation with the Attorney General, to report to Congress, within 1 year of enactment of title, on the necessity to establish a new division or make other organizational changes within the Justice Department to promote better civil and criminal law enforcement. The report shall include appropriate legislative recommendations.

Requires Attorney General to ensure that the Justice Department components responsible for organized crime and controlled substance prosecutions attach high priority to the enforcement of civil statutes creating ancillary sanctions and remedies.

Funds in addition to 1989 funding:

Authorizes $3 million for salaries and expenses of Department of Justice General Legal Activities Account for fiscal year 1989,

Authorizes $3 million for salaries and expenses for United States Attorneys for fiscal year 1989, and

Requires Attorney General to report to Congress on need for enhancement efforts, at the end of each fiscal year.

Requires Attorney General to submit a separate appropriations request for expenses relating to Federal agencies participating in Organized Crime Drug Enforcement Task Forces. These appropriations will be made to the Department of Justice Interagency Law Enforcement Appropriation Account to make reimbursements to agencies as necessary.

TITLE II—TREATMENT AND PREVENTION PROGRAMS

SUBTITLE A—PROGRAMS RELATING TO PUBLIC HEALTH SERVICE ACT

Chapter 1: Reauthorizes, Revises and Extends Alcohol, Drug Abuse and Mental Health Services (ADMS) Block Grant

Authorizations.—Authorizes $1.5 billion for ADMS block grant for fiscal year 1989 and such sums as necessary for each of fiscal years 1990 and 1991. Directs HHS Secretary to set aside 5 to 15 percent for technical assistance; research on community-based alcohol, drug abuse, and mental health programs; and substance abuse and mental health data collection.

Formula.—Changes ADMS formula for allotting funds to the States to one based on urban population, age groups most at risk (in need of services), and the most recent 3-year average of total taxable resources of the State. Phases in new formula over 4 years.

Treatment Set-Aside, 1989.—Requires States to use ADMS funds appropriated in this Act only for substance abuse programs, with not less than 50 percent of these funds to be used for treatment programs for intravenous drug abuse.

Construction.—Authorizes Secretary of Health and Human Service (HHS) to grant waivers to permit States to use substance abuse funds for construction of new, or rehabilitation of existing, facilities but not for land acquisition, provided States demonstrate that adequate treatment cannot be provided through existing facilities and alternatives are not available.

IV Drug Abuse.—Permits States to use ADMS funds to develop, implement, and operate treatment programs for intravenous drug abusers, with priority given to those programs treating HIV infected individuals; to train counselors to provide such treatment; and to engage in outreach activities to encourage such individuals to undergo treatment. Prohibits States from using these funds for bleach or sterile needle distribution programs or to provide HIV testing except with appropriate pre- and post-testing counseling.

Administrative Expenses.—Reduces from 10% to 5% the amount of ADMS funds states may use for administrative purposes.

New Mental Health Services.—Requires States to use 55% of ADMS funds allotted to mental health for 1991 to develop new community mental health services and programs. States may request a waiver reducing the new services requirement to 35% by 1991 increasing to 55% by 1994.

Intrastate Allocations.—Requires States to use 90 percent of ADMS funds for mental health, alcohol, and drug abuse activities prescribed under the Act in proportion to prior years' spending levels.

Set-Aside for IV Drug Services.—Requires States to set aside not less than 50 percent of funds allocated for drug abuse activities to treat intravenous drug abuse, for FY 1990 and thereafter.

Maintenance of Effort.—States must maintain State drug, alcohol, and mental health services expenditures at not less than the average of such state expenditures for the prior two fiscal years.

Technical Assistance.—Authorizes Secretary of HHS to provide technical assistance, without charge, to States or designated public or private nonprofit entities, to plan, develop, and operate programs under comprehensive mental health plan.

Services Research.—

Requires Secretary of HHS through the National Institute on Alcohol Abuse and Alcoholism and the National Institute on Drug Abuse to evaluate alcohol and drug abuse treatment programs.

Requires the Secretary of HHS through the Director of the National Institute on Mental Health to develop and maintain an ongoing program of research on community mental health services.

Set-Aside for Women and Children.—Requires a set-aside of at least 10 percent of a State's ADMS funds for programs and services for women, especially pregnant women and their dependent children, and demonstration projects to provide residential treatment services to pregnant women.

Mental Health Set-Aside.—Of the amount used for mental health services, 10 percent is to be set aside for services and programs for seriously emotionally disturbed children. By the end of fiscal year 1990 not less than 50 percent of this amount is to be used to provide new or expanded services.

Required Agreements.—Establishes new requirements States must meet in order to receive ADMS funds including agreements to help ensure that intravenous drug abusers receive treatment, to target ADMS funds to areas of greatest need for treatment or with the highest prevalence of drug abuse, to provide data, and to devise a plan to treat all persons who seek such services if sufficient resources are available.

Mental Health Council.—Requires each State to establish and maintain a State mental health planning council.

Group Homes.—To receive funds under ADMS block grant program, States must establish directly, or through a grant or contract to a nonprofit entity, a revolving fund of not less than $100,000 to establish group homes to house recovering alcohol and drug abusers.

Chapter 2: Revises and Extends Certain Programs

OSAP.—Reauthorizes Office for Substance Abuse Prevention (OSAP) for 3 years.

Authorizations.—Authorizes $95 million for fiscal year 1989, and such sums as necessary for FY 1990 and FY 1991 for OSAP, including the Alcohol and Drug Abuse Information Clearinghouse, the High Risk Youth Grants Program, and Model Projects for Pregnant Women. Not more than $5 million for a fiscal year is to be allocated for certain clinical training programs.

Data Collection.—Requires Secretary of HHS to collect, annually, data on the incidence and prevalence of substance abuse and mental illness nationwide and in various metrcpolitan areas.

Waiting List Reduction.—Authorizes $100 million for Secretary of HHS to award grants to public and nonprofit entities to reduce waiting lists for drug treatment.

Model Projects for Pregnant Women.—Authorizes the Director of the Office for Substance Abuse Prevention to support model drug and alcohol abuse prevention, education and treatment projects for pregnant and post-partum women and their infants.

Demonstration Grants.—Creates program of drug abuse demonstration grants of national significance.

Authorizes Administrator of the Alcohol Drug Abuse and Mental Health Administration to contract with public and private entities for demonstration projects to:

Determine feasibility and long term efficacy of drug abuse treatment and vocational training services provided in exchange for public service.

Conduct outreach activities to IV drug abusers to prevent exposure to transmission of the AIDS virus and to encourage IV drug abusers to seek drug abuse treatment.

Provide drug abuse treatment services to pregnant and post-partum women and their infants.

Requires Secretary of HHS to establish demonstration projects that provide grants to enable States to provide effective treatment and referrals to treatment to individuals who abuse drugs, with priority given to projects in areas of high drug use and directed toward certain high risk populations.

Authorizes $34 million for FY 1989, and such sums as necessary for FY 1990 and FY 1991, of which $10 million will be used for public and private demonstration grants component.

Alcohol Research.—Extends authorization for research by the National Institute on Alcohol Abuse and Alcoholism for three years and provides such funds "as may be necessary".

Drug Research.—Extends for three fiscal years the authorization of appropriations for research and demonstration programs under the National Institute on Drug Abuse. Authorizes $135 million for fiscal year 1989 and "such funds as necessary" for FY 1990 and 1991.

Mental Health Research.—Authorizes $60 million for each of fiscal years 1989 and 1990 for a program of mental health research and demonstration projects.

Miscellaneous.—Miscellaneous amendments relating to Alcohol, Drug Abuse and Mental Health Administration, including author-

izing the Administrator to award grants to acquire small instrumentation for research to public and private nonprofit entities. Authorizes $5 million for each of FY 1989 through 1991.

Chapter 3: Reports and Studies

Mental Health/Substance Abuse Connection.—Requires Secretary of HHS to conduct study to determine relationship between mental illness and substance abuse, develop recommendations, and report findings to Congress within 12 months of enactment of this Act.

Involuntary Commitment.—Requires Secretary of HHS to contract with an independent body to conduct a study of the current use of involuntary commitment for treatment of mental illness and to report to Congress no later than 18 months after enactment. $1 million authorized for FY 1989.

NIH/ADAMHA.—Requires Secretary of HHS to request National Academy of Sciences to review the activities of the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration to determine appropriateness of administering health service programs in conjunction with research and to determine areas of research duplication between NIH and ADAMHA. Report is required no later than 12 months after contract.

Chapter 4: Miscellaneous

Military Facilities.—Requires National Institute on Drug Abuse to coordinate the utilization of military facilities to house nonviolent persons for drug treatment with the agencies on the Commission on Alternative Utilization of Military Facilities. Requires States to establish criteria, seek providers, and assist providers in securing financing to fund programs at such facilities.

SUBTITLE B—EMPLOYEE ASSISTANCE PROGRAMS

Grants.—Requires Secretary of Labor to provide grants and to enter into contracts with employers to develop employee drug and alcohol abuse assistance programs (EAPs) and to promulgate regulations to carry out the program.

Authorizations.—Authorizes $4 million for fiscal year 1989 and $5 million for fiscal years 1990 and 1991 for this program.

SUBTITLE C—INDIAN ALCOHOL AND SUBSTANCE ABUSE PREVENTION AND TREATMENT

The Anti-Drug Abuse Act of 1986 authorized a comprehensive approach to substance abuse treatment and prevention within Indian tribes. Essentially, the 1988 omnibus drug legislation refines this program and authorizes additional funds for fiscal years 1989, 1990, 1991, and 1992. The major new program is the Urban Indian program, which authorizes the Secretary of HHS to make grants to urban Indian organizations for the provision of health-related services for prevention of, treatment of, and rehabilitation of alcohol and substance abuse in urban centers.

Authorizations.—

[In millions of dollars]

	Fiscal year—			
	1989	1990	1991	1992
Tribal action plans	1.0	1.0	1.0	1.0
Shelters:				
Construction	5.0	3.0	3.0	3.0
Staffing	3.0	3.0		
Eradication:				
General	.5	.5	.5	.5
Tohonor O'odham	.5	.5	.5	.5
St. Regis Mohawk	.45	.45		
BIA Training	1.5	1.5	1.5	1.5
Juvenile detention centers:				
Construction	10.0	5.0	5.0	
Staffing	5.0	5.0		
Treatment centers:				
Construction	6.0	3.0	3.0	
Staffing		11.0		
Rehabilitation and follow-up services	9.0	10.0	12.0	13.0
Community education	3.0	3.0	3.0	3.0
IHS training	1.0	1.0	1.0	1.0
Navajo treatment center, Gallup, NM	.3	.2	.2	.2
Urban Indian program		5.0	5.0	5.0
Contract Health Services	10.0	10.0	10.0	10.0
Newsletter	.3	.3	.3	.3

SUBTITLE D—NATIVE HAWAIIAN HEALTH CARE

Plan.—Requires Secretary of Health and Human Service (HHS) to make grant or enter into a contract with the Papa Ola Lokahi Organization to develop a comprehensive health plan for Native Hawaiians. Authorizes $.7 million for fiscal year 1990.

Services.—Secretary of HHS is to enter into contracts or make grants to qualified entities to provide comprehensive health services to Hawaiian Natives. Authorizes $5 million for FY 1991 and $10 million for FY 1992.

Administration.—Provides administrative grants for Papa Ola Lokahi for implementation of plan, training, and research into diseases prevalent among Hawaiian Natives. Authorizes $1 million for each of fiscal years 1990, 1991, and 1992.

SUBTITLE E—PROVISIONS RELATING TO CERTAIN DRUGS

Anabolic Steroids:

Forfeiture.—Any person convicted for a violation of the Federal Food, Drug and Cosmetic Act involving anabolic steroids or human growth hormone, punishable by imprisonment for more than one year, shall be subject to criminal forfeiture under the Controlled Substance Act.

Study.—Requires Comptroller General to conduct a study on the extent of anabolic steroid and human growth hormone use among high school students, college students and other adults.

Penalties.—Prohibits distribution of anabolic steroids for human use other than for medical purposes under care of a physician.

Provides penalty of not more than 3 years imprisonment, fine under title 18, or both, for distribution or possession with intent to distribute.

Provides penalty of not more than 6 years imprisonment, fine under title 18, or both for distribution or possession with intent to distribute to anyone under 18 years of age.

Butyl nitrite.—Bans production and distribution of butyl nitrite in consumer products used for inhaling or otherwise introducing butyl nitrite into the body for euphoric or physical effects.

Joint Federal Task Force on Illegal Drug Laboratories.—Establishes Task Force, appointed by the Administrators of the Drug Enforcement Administration and the Environmental Protection Agency, to formulate, establish, and implement a program for the cleanup and disposal of hazardous waste produced by illegal drug laboratories.

Based on the recommendations of the Task Force, the Administrators will issue guidelines within 180 days of enactment of Act.

The Attorney General will establish a grant program to fund, through State and local governments, demonstration projects to clean up and safely dispose of hazardous substances from illegal drug laboratories.

Earmarks $5 million from funds appropriated for the Controlled Substances Act to fund the guidelines and demonstration grants.

Requires Administrators to report to President and Congress 270 days after enactment of Act, and periodically thereafter, on the program.

SUBTITLE F—VETERANS

Evaluation.—Requires Administrator of Veterans' Administration (VA) to conduct an evaluation of inpatient and outpatient drug and alcohol treatment programs operated by the VA. Authorizes $1 million for fiscal year 1989 and sums as necessary for FY 1990 and 1991.

Services.—Authorizes an additional $15 million to the VA for care and services for eligible veterans with alcohol or drug dependence or abuse disabilities.

SUBTITLE G—MISCELLANEOUS HEALTH AMENDMENTS

Amendments to Health Omnibus Programs Extension of 1988, including technical and conforming amendments.

Technical and conforming amendments to Public Health Service Act.

Creates an Advisory Board in the National Institute on Deafness and other Communication Disorders.

Technical amendments to Federal Food, Drug and Cosmetic Act.

TITLE III—DRUG ABUSE EDUCATION AND PREVENTION

SUBTITLE A—DRUG AND ALCOHOL ABUSE EDUCATION PROGRAMS

Alcohol Education.—Allows the Secretary of Education to fund innovative alcohol abuse education programs targeted at young

children, especially children of alcoholics, and problems faced by children of alcoholics. Authorize grants for teacher training regarding children of alcoholics.

WIC.—Authorizes the Secretary of Agriculture to study appropriate methods for incorporating drug abuse education into the Women, Infants, and Children (WIC) program and to prepare and distribute such materials. Authorizes $10 million for this program in FY 1989 and such sums as may be necessary in each succeeding fiscal year.

Drug-Free Schools Act Amendments.—

Increases authorization for Drug-Free School and Communities Act from $250 million to $350 million for fiscal year 1989.

Limits to 2.5 percent the amount which may be used for administrative costs under the Governor's portion of the Drug-Free Schools and Communities Act.

Permits Governor's portion of funds to be used for intrastate drug and alcohol abuse education and prevention centers.

Allows up to 10% of the youth who participate in the Governor's program for high-risk youth to be individuals who are not high-risk youth. Includes youth who have experienced repeated failure in school in definition of "high risk youth."

Requires Governor's funds to be used only for programs with "demonstrable benefits" for participants. Requires State application to include a comprehensive plan for use of the Governor's funds and to describe State teacher certification requirements, if any, relating to training in substance abuse education and prevention.

Requires that drug abuse education materials purchased by Federal, State or local agencies under the Drug-Free Schools and Communities Act contain the most readily available accurate, and up-to-date information.

Requires each State to submit to the Secretary a biennial report containing information on the State and local programs conducted with assistance furnished under the title.

Authorizes Secretary to make grants to State educational agencies, local educational agencies, and institutions of higher learning for teacher training concerning drug and alcohol abuse education and prevention. Authorizes $16 million for fiscal year 1989 and $20 million for each succeeding fiscal year ending prior to October 1, 1993.

Requires the Secretary, in consultation with the HHS Secretary, to independently evaluate a representative sample of programs assisted under the Drug-Free Schools and Communities Act and to identify successful programs which may be replicated. Interim report to Congress required by October 1, 1991, with a final report by January 1, 1994.

Requires Secretary to develop model criteria and forms for the collection of data and information with respect to programs assisted under this title.

Provides for the development and dissemination of age-appropriate drug abuse education curricula, programs, and training material for use in early childhood development programs.

Volunteer Projects.—

Authorizes the Director of ACTION to make grants to public and private nonprofit organizations for innovative, community-based volunteer demonstration projects which provide comprehensive drug abuse education and prevention services and activities to youth during summer months, with priority to projects that serve high-risk youth and provide opportunities for parent involvement.

Authorizes $4 million for fiscal year 1989, and $5 million a year for fiscal years 1990 and 1991 for drug abuse prevention under the Domestic Volunteer Service Act. Between 15 and 25 percent of these funds are earmarked for the community based volunteer demonstration projects for drug abuse prevention activities authorized under the Anti-Drug Abuse Act of 1988.

SUBTITLE B—DRUG ABUSE EDUCATION AND PREVENTION

Youth Gangs.—Authorizes $15 million for FY 1989 and such sums as may be necessary for each of fiscal years 1990 and 1991 to establish a drug abuse education and prevention program relating to youth gangs. The Secretary of Health and Human Services would make grants to and contracts with public and private nonprofit agencies for projects to prevent the abuse of drugs by youth, educate youth about such abuse, refer for treatment and rehabilitation members of youth gangs who abuse drugs, support law enforcement outreach activities to youth gangs, and otherwise reduce the participation of youth in gangs that commit drug-related crimes. The HHS Secretary would coordinate youth gang programs with Federal juvenile justice programs.

Runaway and Homeless Youth.—Authorizes the HHS Secretary to make competitive grants to public and private nonprofit entities to provide counseling to runaway youth and their families and to homeless youth to prevent or reduce the illicit use of drugs by such youth, and to support peer counseling, community education, training, research, and services coordination related to drug abuse by runaway and homeless youth. Requires annual report to the President and Congress about the activities funded and those served by these programs. Provides $15 million in FY 1989 and such sums as may be necessary in 1990 and 1991.

Community Youth Activity Program.—Authorizes the HHS Secretary to make block grants and competitive grants to the States for community services and partnerships to develop community drug abuse prevention activities through education, training, and recreation projects aimed at youth at risk of dropping out of schools; for dropouts in order to reinvolve them in education activities; to provide after-school, vacation, and weekend activities; to reach out to children at high risk of drug use; and to involve gang members or potential gang members in education, training, and employment activities. Authorizes $40 million for fiscal year 1989, $55 million for fiscal year 1990, $60 million for fiscal year 1991, $66.550 million for fiscal year 1992, and $73.205 for fiscal year 1993.

Evaluation.—Requires Secretary of Health and Human Services through Administrator of Office of Juvenile Justice to develop and conduct a structured evaluation of approaches used to reduce drug

abuse. Authorizes $12 million for fiscal year 1989 and $15 million for fiscal years 1990 through 1993.

TITLE IV—INTERNATIONAL NARCOTICS CONTROL

MULTILATERAL NARCOTICS CONTROL EFFORTS

Expresses sense of Congress on need for regional anti-narcotics force in Western Hemisphere. Urges U.S. Ambassador to O.A.S. to explore idea of Latin American regional anti-narcotics force and regional strategy with other nations. Requires Secretary of State to report to Congress within 6 months on negotiations. If diplomatic efforts are successful, President shall submit a supplemental budget request within 30 days of report.

Urges President to seek multinational forces in other regions of the world. Expresses sense of Congress on need for regional anti-narcotics training center in Caribbean. Encourages United Nations to establish international force aimed at stopping drug trafficking. Expresses sense of Congress that President should call for international negotiations to establish an international drug force. Expresses sense of the Senate that the President should begin discussions with foreign governments regarding the establishment of an international criminal court to expedite the prosecution of international drug criminals.

Expresses sense of Congress that the President should convene a.s.a.p. a summit, "the International Conference on Combatting Illegal Drug Production, Trafficking and Use in the Western Hemisphere", involving heads of State and high ranking officials from every government in the Western Hemisphere.

The Secretary of State shall consult with U.S. agencies and foreign governments of cocaine producing, trafficking and consuming countries about the feasibility of creating an "integrated regional plan to fight international cocaine trade" and shall report to Congress within 6 months.

Authorizes additional funding for international drug control programs: $2 million for the United Nations Fund for Drug Abuse Control and $1 million for the O.A.S. Inter-American Drug Abuse Control Commission.

FISCAL YEAR 1989 AUTHORIZATIONS AND EARMARKINGS OF FOREIGN ASSISTANCE FOR NARCOTICS CONTROL

Authorizes $101 million (a $2.5 million increase over FY 88, and same as Administration request) for the State Department's Bureau of International Narcotics Matters (INM). Earmarks $500,000 in INM funds for testing and use of aerial coca herbicide and requires monitoring of environmental impact of the use of such herbicides. Earmarks $1 million in INM funds for cooperative non-major transit countries.

Earmarks $1 million of grant military assistance (MAP) funds to defensively arm anti-narcotics aircraft already in inventory of recipient countries, requiring 15 days prior notification to Congress. Earmarks $2 million of military training (IMET) funds for narcotics-related training, and $3.5 million of MAP for weapons and ammunition to Latin American and Caribbean police for narcotics

control purposes. Requires 15 days prior notification to Congress. Waives section 660 of the Foreign Assistance Act, which prohibits police training, only for major illicit drug producing or trafficking countries which have democratic governments and do not violate human rights.

Requires the President to reallocate funds withheld from countries that fail to cooperate on narcotics control to cooperative countries, first for additional narcotics control assistance and then for additional security assistance.

COUNTRY SPECIFIC PROVISIONS

Cooperative Nonmajor Drug-Transit Countries.—Urges greater attention and assistance to such countries and earmarks not less than $1 million of FY 1989 INM funds for such countries.

Bolivia.—No security aid until Bolivia has passed a strong coca control law, and no FY 1989 certification unless Bolivia meets conditions of U.S.-Bolivian narcotics control agreement including achievement of coca education targets. Conditions certain development assistance on eradication or prevention of illicit coca cultivation. Repeals the FY 88 $15 million INM earmark for Bolivia.

Peru.—No funding for Upper Huallaga project or certification until effective coca eradication program is in place.

Mexico.—Sets $15 million ceiling on INM aid to Mexico; urges Mexico to cooperate fully with U.S. in drug law enforcement, emphasizing conclusion of the Camarena and Cortez cases. Requires the President to consider Mexican response to the U.S. proposals to establish joint air surveillance and apprehension operations. Encourages Mexico to furnish banking information for financial investigations and prosecutions in the U.S.

Colombia.—Earmarks $5 million of certain FY 1989 security assistance funds for protection of Colombian judicial, government, and press officials with waiver of Sec. 660 after notification to Congress; authorizes an additional $15 million of FY 1989 MAP funds for Colombian military's anti-narcotics efforts; waives 6-person limit on size of U.S. military assistance group to Colombia.

Pakistan.—In certifying whether Pakistan is cooperating on narcotics control, the President shall consider whether Pakistan is: increasing the number of illicit laboratories destroyed; increasing the number of arrests and successful prosecutions of violators; making changes in legal codes to enhance Pakistani law enforcement, such as conspiracy and asset seizures laws.

Opium Gum.—Requires review of U.S. reliance on illicit opium gum from foreign sources with a report to Congress within 6 months.

Afghanistan.—U.S. should pursue efforts to press the Government of Afghanistan, and should work with the Mujahadeen, to reduce drug production and trafficking and encourage drug eradication, interdiction and crop substitution.

Laos.—Requires periodic reports to Congress concerning the involvement of the Laotian government itself, or its high ranking officials in drug production and distribution and also whether other governments in the region are helping Laos distribute drugs.

CERTIFICATION PROCEDURE REVISIONS

Requires annual preliminary report to Congress on September 1 on standards used to determine major drug transit countries, and by October 1 a final list of countries to be considered for certification; numerical statement in the State Department's annual International Narcotics Control Strategy Report (INCSR) of maximum achievable reduction of drug production on country-by-country basis; and for the INCSR to describe any aid denied to an uncooperative country in the preceding fiscal year.

Establishes uniform criteria and procedures, and clarifies and makes more strict the requirements, for annual certification of major drug producing and transit countries as cooperative or noncooperative for purposes of imposing foreign aid, trade and aviation sanctions on noncooperative countries. Requires all major drug producing or transit countries to have in place a bilateral narcotics control agreement with the U.S. or a multilateral agreement to reduce both drug supply and demand. Allows President to certify an otherwise noncooperative country on "vital national interests" grounds. Gives Congress 45 days to review and reject or accept Presidential certifications.

Provides that no more than 50% of aid in current fiscal year gets cut off if country is decertified, but no new aid until the country is recertified. Exempts certain AID narcotics education and awareness activities from aid sanctions. Allows early certification for FY 1989 for major drug-transit countries that have eliminated illicit production, are not engaged in drug money laundering and are cooperating with U.S.

MISCELLANEOUS PROVISIONS RELATING TO ASSISTANCE PROGRAMS

Requires 15-day advance notice of, and annual reports to Congress on, transfers of seized or forfeited narcotics-related assets to foreign governments. Expresses the sense of Congress that suppression of international drug trafficking is among the most important U.S. foreign policy objectives.

Prohibits assistance to countries through any individual who has been convicted of any drug related violations or who is or has been an illicit drug trafficker.

Urges Secretary of State to improve procurement of property and services for narcotics control assistance. Prohibits use of narcotics control assistance by recipients to acquire property for law enforcement or military use. Provides for reimbursement to DOD for the additional costs incurred by Defense in providing services to carry out narcotics control assistance. Requires the President to take reasonable steps to ensure that aircraft and other equipment made available to foreign countries for narcotics control are used for that purpose.

DEPARTMENT OF STATE ACTIVITIES

Requires the Secretary of State to deny or revoke passports of convicted drug violators who have used the passport or otherwise crossed international borders in committing the offense. Provides $23 million to create and implement machine-readable document

border security system. Provides $5 million, without fiscal limitation, for rewards for information relating to narco-terrorism.

Requires State and Justice to develop model Mutual Legal Assistance Treaty and Extradition Treaty. Makes the Secretary of State responsible for coordinating all U.S. government anti-narcotics aid overseas. Requires a report concurrent with INCSR on all aid provided, including separate sections on Coast Guard, DEA, and Customs assistance. Urges State to permit assignment of more DEA agents overseas. Urges U.S. embassies and posts abroad to expand investigations of illicit drug use and trafficking by U.S. Government personnel and dependents.

INTERNATIONAL BANKING MATTERS/MONEY LAUNDERING

Allows the Export-Import Bank to extend credit of up to 5% of its loan guarantee authority in connection with a sale of defense articles or services to a democratic country for primarily anti-narcotics purposes.

Urges the Secretary of Treasury to negotiate with finance ministers of foreign countries to establish an international currency control agency to serve as data base for international drug law enforcement, to collect and analyze currency transaction reports and to encourage adoption of uniform cash transaction and money laundering statutes.

Requires Secretary of Treasury to negotiate with countries whose financial institutions do business in U.S. currency for agreements to ensure that financial institutions maintain adequate records of large U.S. currency transactions and make them available to U.S. law enforcement officials. Authorizes President to impose certain penalties on such countries that fail to negotiate in good faith.

MISCELLANEOUS PROVISIONS

Expresses sense of Congress that U.S. intelligence agencies should be more involved in combatting international drug trafficking.

Requires drug-free workplace provisions of title V of this Act to be carried out in a manner consistent with U.S. international obligations.

TITLE V—USER ACCOUNTABILITY

SUBTITLE A—OPPOSITION TO LEGALIZATION AND PUBLIC AWARENESS

Expresses sense of Congress opposing the legalization of drugs.

Requires Director of National Drug Control Policy, within 90 days of confirmation, to develop a public awareness program to inform Americans of the penalties in this Act pertaining to the use and possession of drugs.

SUBTITLE B—NATIONAL COMMISSION ON DRUG FREE SCHOOLS

Establishes a Commission, comprised of the Secretary of Education, the Director of National Drug Policy Control, 8 Members of Congress, and 16 individuals appointed by the Secretary and Director, to develop recommendations of criteria for identifying drug-free schools and campuses and for identifying model programs. Re-

quires a report to the President and Congress within one year of enactment of this Act.

Authorizes such sums as necessary to carry out this provision.

SUBTITLE C—PREVENTING DRUG ABUSE IN PUBLIC HOUSING

Regulatory and Enforcement Provisions

Provides for termination of tenancy if public housing tenant, member of tenant's household, or guest of tenant engages in criminal activity, including illegal drug use or other drug-related criminal activity, on or near the public housing premises.

Requires Secretary of Housing and Urban Development (HUD) to conduct a study of, and report to Congress within 6 months on, the extent to which security activities in public housing projects are funded under the performance funding system set forth in the United States Housing Act of 1937.

Requires Secretary of HUD to report to Congress on the impact of the implementation of public housing tenancy and administrative grievance procedures on the ability of public housing agencies to take action against tenants engaging in criminal, especially drug-related activities.

Allows States and localities to use Federal funds provided under the State and local law enforcement assistance program to address drug crimes in public housing.

Makes leasehold interests in property subject to civil forfeiture under the Controlled Substances Act.

Public Housing Drug Elimination Pilot Project Program

Authorizes Secretary of Housing and Urban Development to make grants to public housing agencies for use in eliminating drug-related crime in public housing projects.

Requires that application from public housing agency include a plan for addressing the problem of drug-related crime on the premises of public housing projects administered by the public housing agency.

Requires Secretary to issue regulations to implement within 180 days of enactment.

Requires Secretary, in consultation with the National Drug Control Policy Director, to report to Congress on this program and any necessary revisions by June 30, 1990.

Authorizes $8.2 million for fiscal year 1989 and such sums as necessary for fiscal year 1990.

Drug-Free Public Housing

Requires Secretary of Housing and Urban Development to establish a clearinghouse to collect and disseminate information on drug abuse in public housing.

Establishes a regional training program on drug abuse in public housing to train public housing officials about substance abuse. This program is to be conducted within 12 months of enactment of the Act by a national training unit established by the Secretary of Housing and Urban Development.

SUBTITLE D—DRUG FREE WORKPLACE ACT OF 1988

Requirements for Other than Individuals.—Recipients of Federal grants or contracts (over $25,000) are required to maintain drug-free workplaces.

A contractor or grantee must certify to the contracting or granting agency that it will provide a drug-free workplace by publishing and communicating to employees a policy that prohibits the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the workplace and specifies actions that will be taken against violators; by establishing a drug-free awareness program that informs employees about the policy, the dangers of workplace drug use, penalties for drug abuse violations, and any available drug counseling and employee assistance programs; and by requiring that each employee working on the grant or contract receive a copy of the drug free policy and agree to abide by its terms.

If an employee is convicted of a drug violation that occurs in the workplace, the employee must notify the contractor or grantee within 5 days. The employer (contractor or grantee) must notify the contracting or granting agency within 10 days after receiving notice of an employee's conviction.

The employer must take appropriate personnel action against the employee, up to and including termination, within 30 days after receiving notice from an employee of a drug conviction, or require the employee's satisfactory participation in an approved drug abuse assistance or rehabilitation program.

Employers are required to make a good faith effort to continue to maintain a drug-free workplace.

Requirements for Individuals.—Requires certification for receipt of Federal contract or grant that recipient will not engage in manufacture, distribution, dispensation, possession, or use of controlled substance in performance of contract.

Grounds for suspension, termination, debarment.—

The contractor or grantee makes a false certification,

The contractor or grantee fails to carry out the drug free workplace certification requirements,

The contractor or grantee has a number of employees convicted of drug violations occurring in the workplace which indicates failure to make a good faith effort to provide a drug free workplace.

Suspension, Termination and Debarment Proceedings for Contractors.—

Requires agency to conduct proceedings in accordance with Federal Acquisition Regulation and applicable agency procedures.

Requires Federal Acquisition Regulation to be revised for conducting suspension and debarment proceedings under this section, including requirements to ensure full and fair proceedings.

On final decision, contractor or individual is ineligible for any contract or award or ineligible to participate in any future procurement by any Federal agency for a specified period up to 5 years.

Suspension, Termination or Debarment Proceeding for Grantees.—Requires proceedings to be conducted in accordance with applicable law.

On final decision, grantee is ineligible for award of any grant from a Federal agency for a specified period up to 5 years.

Waiver.—Gives the head of an agency exclusive authority to waive the sanctions of suspension, termination or debarment if, in the case of contract, the sanctions would severely disrupt the agency's operations to the detriment of the Government or the public, or, in the case of a grant, the sanctions would not be in the public interest.

Regulations.—Requires that government-wide regulations be issued pursuant to the Office of Federal Procurement Policy Act, no later than 90 days after enactment of this Act.

Law Enforcement.—Law enforcement agencies are not required to comply with these procedures if agency head determines it would be inappropriate in connection with agency's undercover operations.

Effective Date.—120 days after enactment of Act.

SUBTITLE E—PRESIDENT'S MEDIA COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION

Authorizes $1 million for each of fiscal years 1989, 1990, and 1991 for President's Media Commission on Alcohol and Drug Abuse Prevention.

SUBTITLE F—UNITED STATES POLICY FOR A DRUG FREE AMERICA BY 1995

Declares the policy of the United States Government to create a Drug-Free America by 1995.

SUBTITLE G—DENIAL OF FEDERAL BENEFITS TO DRUG TRAFFICKERS AND POSSESSORS

Drug Traffickers.—Anyone convicted of any Federal or State controlled substance distribution offense may be denied certain Federal benefits, at the discretion of the court, for up to 5 years upon first conviction, and up to 10 years upon a second conviction. Upon a third or subsequent conviction, the denial of Federal benefits is permanent (no court discretion).

Drug Possessors.—At the discretion of the court, anyone convicted of any Federal or State controlled substance possession offense may be denied certain Federal benefits for up to 1 year for a first conviction or up to 5 years for a second or subsequent offense. Alternatively, or in addition, the court may require the individual to complete a drug treatment program which includes periodic testing and/or perform appropriate community service.

Definition of Federal Benefit.—

Benefits to be denied include any contract, grant, loan, professional or commercial license provided by an agency of the United States or by appropriated funds of the United States.

Benefits exempted include any retirement, welfare, Social Security, health, disability, veteran's benefit, public housing, or

other similar benefit, or any other benefit for which payment or services are required for eligibility.

Waiver for Possessors.—Allows waiver of penalties for those convicted of possession who are addicts and who submit to long-term treatment, or who are deemed rehabilitated under rules established by the HHS Secretary.

Exemption for Traffickers.—Benefits related to long-term drug treatment are not denied to addicts convicted of trafficking offenses who submit to long-term treatment, or who are deemed rehabilitated under rules established by the HHS Secretary.

Suspension.—Allows for suspension of ineligibility if individual completes a drug treatment program, is otherwise rehabilitated, or makes a good faith effort to secure treatment but it is unable to do so because of inability to pay or unavailability of a program.

Government Witnesses.—Denial of benefits is not applicable to Federal or State government witness or participant in Government witness protection program.

Report.—Requires a report from the President on methods to implement the measure by May 1, 1989.

Effective date.—Denial of Federal benefits under this subtitle apply only for convictions after September 1, 1989.

TITLE VI—ANTI-DRUG AMENDMENTS ACT OF 1988

SUBTITLE A—CHEMICAL DIVERSION AND TRAFFICKING ACT OF 1988

Establishes new controls over certain precursor and essential chemicals (such as ether, acetone and acetic anhydride) used to produce cocaine, heroin and other dangerous drugs.

Requires manufacturers, distributors, importers and exporters of these chemicals to keep records of, and report to the Attorney General on, transactions involving these chemicals.

Allows imports and exports of these chemicals to be suspended to prevent diversion to clandestine manufacture.

Establishes new offenses and penalties for chemical diversion and for violations of recordkeeping and reporting requirements.

SUBTITLE B—ASSET FORFEITURE AMENDMENTS

Make the Department of Justice Asset Forfeiture Fund available to pay costs associated with seizure and forfeiture and for equitable sharing payments to State and local agencies without requiring a specific appropriation in advance.

Requires an annual GAO audit of the Justice Asset Forfeiture Fund.

"Drug Czar" Fund.—Beginning in fiscal year 1990, establishes Special Forfeiture Fund, not to exceed $150 million, from the unobligated funds remaining at the end of each fiscal year in the Department of Justice Asset Forfeiture Fund. The new fund shall be available to the Director of National Drug Control Policy without fiscal year limitation in amounts provided in appropriations acts. As part of his annual budget request to Congress, the President shall include a separate, detailed request for use of amounts in the fund, reflecting the priorities of the National Drug Control Strat-

egy. Amounts from the fund shall be used to supplement, not supplant, existing funds.

Permits Attorney General to transfer forfeited personal property or proceeds of sale of any forfeited personal or real property to foreign governments that participate directly or indirectly in seizures.

Equitable Sharing.—Restores equitable sharing of forfeited assets transferred to State and local agencies and bars use of Federal forfeiture procedures to circumvent State law.

Innocent Owner.—Establishes an "innocent owner" defense in civil forfeiture proceedings against conveyances used in drug trafficking, and provides expedited procedures for seized conveyances. No owner's interest in a conveyance can be forfeited if the owner establishes that he did not know of, consent to, or was not willfully blind to the drug-related offense giving rise to the seizure. The expedited procedures added by the bill include:

Written notice at the time of seizure of these expedited procedures, with subsequent written notice, "at the earliest practicable opportunity," to the owner and other interested parties, of the factual and legal basis for the seizure.

Provisions for the owner to petition the Attorney General for an expedited decision on the conveyance. If the Attorney General fails to act within 20 days, the conveyance is returned to the owner pending further forfeiture proceedings.

60-day time limit, after owner files claim and bond, for the Attorney General to file a complaint for forfeiture. If a complaint is not timely filed, no forfeiture may take place.

Provisions for release of a conveyance to the owner under bond.

"Personal Use" Seizures.—Requires Attorney General and Treasury Secretary to prescribe regulations within 90 days for expedited administrative procedures for seizures of conveyances, cash and real property for possession of personal use amounts of a controlled substance. Requires a final administrative determination on the seizure within 21 days or a procedure for the defendant to obtain release of the property pending a final determination. Requires joint regulations within 90 days by the Attorney General, Treasury and Transportation Secretaries, providing for the issuance of a summons to appear in lieu of seizure of a commercial fishing vessel for possession of personal use amounts of drugs.

SUBTITLE C—STATE AND LOCAL NARCOTICS CONTROL AND JUSTICE ASSISTANCE IMPROVEMENTS

Reauthorizes Bureau of Justice Assistance and elevates Director to a presidential appointment.

Establishes in the Bureau of Justice Assistance the Bureau of Justice Assistance Grant Programs to provide Federal support for enhanced State and local law enforcement efforts. The new grants are a combination of the former State and local narcotics enforcement assistance grants authorized by the Anti-Drug Abuse Act of 1986 and the old Justice Assistance Act grant program.

Drug Control and System Improvement Grant Program.—Authorizes formula grants to States to help State and local governments increase drug enforcement efforts and improve the functioning of

the criminal justice system with special emphasis on violent crime and serious offenders.

Requires States to submit an application, prepared after consultation with State and local criminal justice officials, which includes a statewide strategy for drug and violent crime control programs which improve the functioning of the criminal justice system.

Requires States to certify that they are undertaking law enforcement initiatives to hold drug users accountable for their unlawful possession or use of drugs.

Increases the share of State/local matching funds from 25% to 50% (i.e., a dollar for dollar match) after fiscal year 1989.

Permits States and local governments or combinations thereof to use a grant for expenses associated with participation in the State and Local Task Force Program established by the Drug Enforcement Administration.

Grant funds may be used for expenses associated with conducting required evaluations.

Adds requirement that States, when distributing such grants, give priority to jurisdictions with the greatest need.

Uses the same formula to allocate and distribute funds as under the former State and local narcotics control assistance formula grants. Each State receives a minimum grant of $500,000. Of the total funds remaining, each State receives an amount which is proportional to the State's population relative to the population of all the States. Each State must award a share of its block grant funds to units of local government in the State; this share is determined by the amount of local criminal justice spending in proportion to criminal justice spending by the State and all units of local government in the State.

Includes new time limits to expedite the flow of Federal funds to the States and from States to localities. States must submit applications for funds within 60 days each year. BJA has 45 days to review State applications. States have 45 days after receiving awards from BJA to make funds available to local governments.

Discretionary Grants.—Authorizes BJA to make discretionary grants to public or private agencies and private nonprofit organizations for training, technical assistance, demonstration programs and projects for drug enforcement and criminal justice system improvement that are national or multijurisdictional in scope.

Reserves 20% of funds available for BJA grant programs, not to exceed $50 million, for discretionary grants.

Requires each application for funds to describe method to be used to evaluate impact and effectiveness of program to be funded and to include agreement by applicant to conduct such an evaluation.

Evaluation.—Requires National Institute of Justice to develop guidelines to help State and local governments conduct required program evaluations, and requires NIJ to conduct a reasonable number of evaluations of programs funded under formula grants and discretionary grants.

Regional Information Sharing Systems Grants.—Authorizes the Bureau of Justice Assistance to make grants and contracts with State and local criminal justice agencies and nonprofit organizations for information systems to identify, target and remove criminal conspiracies and activities spanning jurisdictional boundaries.

Public Safety Officers' Death Benefits Improvement.—Increases level of death benefits payable under, and makes other modifications in, Public Safety Officers' Death Benefits Program. Authorizes national program for families of public safety officers who have died in the line of duty.

Authorizations of Appropriations.—

Bureau of Justice Statistics.—$30 million for each of fiscal years 1989–1992.

National Institute of Justice.—$30 million for each of fiscal years 1989–1992.

State/Local Formula and Discretionary Grants Programs.—$275 million for fiscal year 1989; $350 million for fiscal year 1990; $400 million for fiscal year 1991; and such sums as necessary for fiscal year 1992.

Other functions of Bureau of Justice Assistance and Office of Justice Programs.—$25.5 million for fiscal year 1989, and such sums as necessary for fiscal years 1990–1992.

Regional Information Sharing Systems Grants.—$15 million for fiscal year 1989, and such sums as necessary for 1990–1992.

Public Safety Officers' Death Benefits.—Such sums as may be necessary for each fiscal year.

SUBTITLE D—AUTHORIZATIONS OF APPROPRIATIONS FOR THE DEPARTMENT OF JUSTICE, PRISONS, AND RELATED LAW ENFORCEMENT PURPOSES

Immigration and Naturalization Service Personnel Enhancement.—

Authorizes an additional $12.3 million for personnel and expenses, of which $4.1 million is to increase the number of INS inspectors by no fewer than 70. $8.2 million is to be used to increase INS commitment to OCDETF and for additional special agent support and training. Positions are to assist local law enforcement in combatting alien involvement in drug trafficking and crimes of violence.

Continues 4-city pilot project, created under Anti-Drug Abuse Act of 1986, to establish and enhance computer capabilities of INS local offices to respond to inquiries from local law enforcement concerning aliens that have been arrested or convicted for violating controlled substance laws.

BATF.—Authorizes an additional $10.66 million to increase by 244 positions the personnel assigned to the Bureau of Alcohol, Tobacco, and Firearms Armed Career Criminal Apprehension Program.

DEA Personnel Enhancement.—Authorizes an additional $60 million for fiscal year 1989, earmarking:

$4.92 million to increase operations against youth gang related organized crimes,

$10 million to implement Chemical Diversion and Trafficking Act,
$15 million for Foreign Cooperative Investigations Program,
$5 million for Diversion Control Program, and
$3.28 million to enhance El Paso Intelligence Center.

Authorizes $10.8 million for DEA to establish, maintain and operate a special facility for the *DEA Air Wing.*

Federal Judiciary.—

Authorizes an additional $43,132,000 for 1989 for the *Federal courts,* as follows:

$30.34 million for probation and pretrial services,
$1.640 million for additional deputy clerks,
$656,000 for additional law clerks and support staff,
$4.1 million to renovate court facilities, and
$4.756 million for additional magistrates.

Authorizes additional amounts for 1989 as follows:

$28.7 million for the Federal Public Defender and Community Defender Services.
$2.378 million for jurors fees and expenses.
$4.92 million for Federal courts security equipment.

Requires the Judicial Conference to report to Congress within 120 days on the impact of drug-related criminal activity on the Federal Judiciary.

Authorizes *additional* funds above amounts appropriated for Federal law enforcement agencies for fiscal year 1989, including:

FBI.—$30 million.

U.S. Marshals Service.—$21.5 million, for asset seizure and forfeiture activities, criminal justice support activities, and other specified drug enforcement related activities.

Prisoner Support.—$21.5 million for support of U.S. prisoners in non-Federal institutions, with not more than $4.1 million available for renovating, constructing, and equipping State and local correctional facilities.

Federal Prison System.—

$200 million for planning, acquisition, construction, and remodeling of Federal prisons to alleviate overcrowding resulting from increased number of drug cases.
$13 million for salaries and expenses.

U.S. Attorneys.—$36.08 million.

Border Patrol.—

$16.4 million for drug interdiction equipment.
$16.4 million to increase the number of officers by no fewer than 435.

Establishes a *National Advisory Commission on Law Enforcement* to study the methods and rates of compensating Federal law enforcement officers in all agencies and to report their findings to the President and the Congress within 6 months of enactment of the Act.

Directs Office of National Drug Control Policy to develop a comprehensive plan to provide research, development, and evaluation support to Federal law enforcement agencies using existing Federal R&D facilities.

Authorizes an additional $5.74 million for the *Federal Law Enforcement Training Center* for 1989, of which $4.1 million is to be

used to accommodate advanced in-service training requirements of the DEA and the remainder to increase level of drug enforcement training. $45 million is authorized for fiscal year 1990, and $50 million for fiscal year 1991.

Provides for increased *foreign language training* of DEA, Customs Service, and INS personnel.

Authorizes an additional $4.92 million for 1989 for *U.S.-Bahamas Drug Interdiction Task Force,* contingent upon a $410,000 contribution to such joint operations in 1989 by the Bahamas. Expresses sense of Congress pertaining to drug related matters of concern to U.S.-Bahamian relations.

INTERPOL—authorizes an additional $820,000 for fiscal year 1989 for the United States National Central Bureau, to increase personnel by 23 positions, maintain 24-hour operations and upgrade telecommunications equipment.

SUBTITLE E—MONEY LAUNDERING

Attorney's Fees.—Exempts from criminal liability monetary transactions (i.e., an attorney's fee) in criminally derived property necessary to preserve a person's sixth amendment right to representation.

Amends Bank Secrecy Act.—

Adds new category of "business similar to financial institutions" to the list of financial institutions defined under the Act.

Provides that no financial institution may issue or sell a bank check, cashier's check, traveler's checks, or money order to any indvidual in amounts of $3,000 or more, unless that person has an account with said financial institution or can furnish verifiable forms of identification. The financial institution must verify the forms of identification, maintain a record of all such transactions and report to the Secretary of Treasury, upon request, the purchase of such instruments by any individual.

Gives the Secretary of Treasury discretionary authority to target a domestic financial institution or a group of institutions located in any specified geographic location where drug trafficking and/or money laundering are prevalent, to obtain, retain and report information. The Secretary may prescribe the length of time (up to 60 days), the amounts of money, the types of monetary instruments to be monitored and may require reports on such transactions.

Provides for a maximum $10,000 per day penalty for willful or grossly negligent violation of recordkeeping regulations by any insured banks, other financial institutions, or by employer, director or officer of one; there had been no fine for insured financial institutions and a maximum $1,000 fine for non-insured institutions.

Designates the Postal Service an appropriate supervising agency for enforcement purposes under the Bank Secrecy Act.

Amends Right to Financial Privacy Act.—

Clarifies right of financial institutions to report suspected violations by corporations.

Allows Federal agencies to transfer financial records to the Department of Justice for use in criminal investigations as prosecutions without notification to the person whose records are being transferred. Current law requires such notice. The waiver of notice would only apply when the transferring agency has reason to believe the records are relevant to a Federal crime and the records were obtained in the exercise of the agency's regulatory or supervisory functions.

Allows a financial institution or a supervisory agency to disclose, without notification, the financial records of any of the institution's insiders (including officers, directors, employees, or major shareholders), or major borrowers acting in concert with such insiders, to the Attorney General or a State law enforcement agency when there is reason to believe such records are relevant to insider criminal activity against the institution or supervisory agency. For suspected insider violations of the Bank Secrecy Act, such disclosures of insider records may be made to the Treasury Secretary.

Preempts any State or local law which would otherwise prohibit disclosure of records of insiders.

Provides to financial institutions a good faith defense from liability for providing exempt insider financial records to law enforcement.

Eliminates the requirement of actually presenting financial records to a grand jury in cases where the volume of subpoenaed records is too overwhelming to be practical. In such cases, only a description of the contents of the records is required to be presented.

$100 Bills.—Requires Secretary of Treasury, in cooperation with appropriate law enforcement agencies, to study the feasibility of withdrawing $100 Federal Reserve notes as a deterrent to illegal drug-related transactions and to report findings to Congress within 180 days of enactment of the Act.

SUBTITLE F—LEGALIZATION

Expresses the sense of Congress against proposals to legalize illicit drugs.

SUBTITLE G—FIREARMS PROVISION

Creates new penalties to stop the supply of handguns to drug traffickers.

Requires Attorney General to develop a system for immediate and accurate identification of felons who attempt to purchase a firearm and establish a plan to implement the system. A report to Congress is required within one year of enactment of the Act and implementation of the system is to begin 30 days thereafter. Requires additional study to determine an effective method of immediate and accurate identification of other persons ineligible to purchase firearms within 18 months of enactment of Act.

Provides for mandatory revocation of probation for possession of a firearm.

Establishes penalties for possession of and trafficking in firearms or dangerous weapons in a Federal facility.

SUBTITLE H—INVESTIGATIVE POWERS OF POSTAL SERVICE PERSONNEL AND NATIONAL FOREST SYSTEM CONTROL

Enhances the enforcement authority of Postal Inspectors to permit their more effective participation in stopping drug trafficking through the mails.

Clarifies and enhances the narcotics enforcement authority of the National Forest Service with respect to controlled substances violations committed within, or which affect administration of, the National Forest System.

Authorizations.—For 1989 and annually thereafter, the bill authorizes the following *additional* amounts for enhanced drug enforcement activities:

Forest Service—$10 million.

National Park Service and Park Police—$3 million.

Bureau of Land Management—$1.5 million.

Authorizes Secretary of Agriculture to designate law enforcement officers of other Federal Agencies to exercise powers and authorities of the Forest Service while assisting in the National Forest System or in Forest Service activities. Authorizes the Forest Service to accept similar cross-designations from other Federal, State or local agencies.

Adds stiff penalties for drug producers or others who use hazardous or injurious devices on Federal lands or Indian reservations.

Adds stiff penalties for drug traffickers who pollute Federal lands in the course of their drug crimes.

Establishes *"Drug Pollution Fund"*, a trust fund in the Treasury to make payments to Federal agencies to clean up pollution on Federal lands resulting from Controlled Substances Act violations.

SUBTITLE I—TRAVEL EXPENSES AND HEALTH CARE OF JUSTICE PERSONNEL SERVING ABROAD

Authorizes appropriations for the Department of Justice for travel and health benefits for DOJ personnel stationed abroad that are equal to those of other U.S. personnel assigned overseas.

SUBTITLE J—PROGRAM-RELATED AND STUDY PROVISIONS

Expands the authorization of the drug aftercare program for Federal probationers and parolees.

Authorizes $14 million for each of fiscal years 1989–1991 for the construction and operation of a national training center for prison drug rehabilitation program personnel.

Requires the Attorney General to study alternative means of prosecuting Federal drug offenses.

SUBTITLE K—MANUFACTURING OFFENSE

Establishes new penalties for endangering human life while illegally manufacturing a controlled substance.

SUBTITLE L—SERIOUS CRACK POSSESSION OFFENSES

Establishes mandatory minimum penalty of not less than 5 or more than 20 years imprisonment for possession of "crack" cocaine

if the amount possessed exceeds: 5 grams for a first conviction; 3 grams for a second conviction; or 1 gram for a third conviction.

SUBTITLE M—MISCELLANEOUS DRUG ENFORCEMENT

Permits DEA and FBI to pay bonuses up to 25% of base pay to employees who possess and make use of one or more foreign languages.

SUBTITLE N—SUNDRY CRIMINAL PROVISIONS

Civil Penalties for Drug possession.—

Allows the Attorney General to assess a civil penalty of up to $10,000 against an individual for possession of "personal use" amounts of marijuana, heroin, cocaine and certain other illegal drugs.

Authorizes the Attorney General to issue regulations specifying amounts that constitute personal use amounts.

No person may be assessed a civil penalty under this section more than twice.

Civil penalties may not be assessed on any person with a prior drug conviction.

An individual has a right to an administrative hearing before assessment of a civil penalty and can seek de novo review of the penalty in civil action in Federal district court. Upon Judicial review, the individual shall have the protections available in a criminal proceeding, including the right to trial by jury, the right to counsel, the right to cross-examine witnesses, and the requirement for proof of the violation beyond reasonable doubt.

The Attorney General may not bring a civil action against an individual if 5 years or more have elapsed from the time of the alleged violation.

Includes procedures to expunge the record of any person assessed a civil penalty.

Makes any act of juvenile delinquency involving the use or carrying of a firearm, knife or destructive device, that would be punishable if committed by an adult by one year in prison, a conviction under the Armed Criminal Felons Act and subjects this category of juveniles to penalties under this Act.

Creates mandatory life imprisonment penalty for three-time drug felons.

Increases penalties for importation of a controlled substance by aircraft and other vessels.

Modifies penalties related to drug offenses involving children.

Increases penalties for certain violations of the Controlled Substance Act involving persons under 18 years of age—manufacturing or distributing controlled substances in or near schools; employing or using persons under 18 in drug operations; and distributing to persons under age 21.

Exempts from mandatory minimum penalty a first offense for distributing controlled substances to persons under 21, if offense involved 5 grams or less of marijuana, but eliminates current exemption from mandatory minimum penalty for a second offense for such quantities.

Amends current offense of distributing controlled substances within 1,000 feet of a school by:

including "possession with intent to distribute"; and

extending geographic coverage to include area within 100 feet of a playground, public or private youth center, public swimming pool, or video arcade facility.

Authorizes mandatory minimum penalties for the purchasing of controlled substances from minors.

Enhances penalties for use of certain weapons in connection with a crime of violence or drug trafficking crime.

Includes Federal Firearms violations as predicate wiretap offenses.

Increases penalties for certain firearms offenses.

Makes various clarifying and technical amendments to Controlled Substances Act and title 18, including the following:

Imposes the same penalties for attempts and conspiracies under the Controlled Substances Act as for the underlying offenses.

Clarifies provisions relating to forfeiture of proceeds of a foreign drug offense.

Provides mandatory minimum penalty for trafficking in substantial quantity of methamphetamine.

Provides additional measures to combat money laundering:

Permits civil and criminal forfeiture of property involved in, or traceable to, certain money laundering offenses.

Bars forfeiture of substitute assets for money laundering offenses where the defendant acted merely as an intermediary.

Authorizes money laundering "sting" operations by undercover law enforcement officers who represent property to be the proceeds of illegal activity.

Authorizes Postal Service to investigate money laundering.

Establishes a "tax predicate" money laundering offense making money laundering to evade taxes a crime.

Increases penalties for drug offenses committed within Federal prisons.

Clarifies jurisdictional reach of Ballistic Knife Prohibition Act of 1986.

Expands and strengthens certain explosives offenses.

Clarifies prohibition of possession with intent to distribute controlled substances on aircraft.

Provides for the restarting of Speedy Trial Act time period for defendants who abscond on eve of trial.

Provides for the suspension of a driver's license and other penalties for drunk or drugged driving in the special maritime and territorial jurisdiction of the United States. Creates implied consent to test motor vehicle operators in these Federal areas for alcohol or drugs when stopped for drunk or drugged driving. Revokes operating privileges in these areas for one year for refusal to take such a test.

Applies to the District of Columbia provisions imposing penalties for congregating with two or more persons within one hundred feet of buildings owned, used or occupied by foreign officials, official guests, foreign governments, or international organizations.

Applies marijuana trafficking penalties under the Controlled Substances Act on the basis of the number of plants regardless of weight, as well as on weight alone.

Removes the ceiling on fines that may be imposed for simple possession of a controlled substance.

Increases minimum penalties for engaging in a continuing criminal enterprise from 10 to 20 years for first conviction and from 20 to 30 years for subsequent convictions.

Increases penalties for operating a locomotive or common carrier under the influence of drugs or alcohol if death or serious bodily injury results.

Amends Federal Rules of Criminal Procedure by adding a new rule, Rule 12.3, "Notice of Defense Based Upon Public Authority."

Authorizes the Attorney General to request the transfer to the United States of a person held in custody abroad to testify in a State or Federal criminal trial, and to transport, maintain custody over, and return such person to the foreign country.

Clarifies provision of Anti-Drug Abuse Act of 1986 concerning drug paraphernalia.

Extends to former Federal officials and their immediate family members the same protections against assaults, interference and retaliation on account of the performance of official duties that are now afforded to current Federal officials and their families. Provides increased penalties if deadly weapons are used.

TITLE VII—DEATH PENALTY AND OTHER CRIMINAL AND LAW ENFORCEMENT MATTERS

SUBTITLE A—DEATH PENALTY

Under the Controlled Substances Act, authorizes prison sentence of from twenty years to life or the death penalty for any drug kingpin or serious drug felon who intentionally kills or causes the intentional killing of any person.

Under the Controlled Substances Act, authorizes prison sentence of from twenty years to life or the death penalty for any drug felon who intentionally kills or causes the intentional killing of any Federal, State or local law enforcement officer engaged in, or on account of, his official duties.

Establishes procedures for imposing the death penalty in these cases.

Sets out mitigating and aggravating factors.

Prohibits imposition of death penalty under this section for persons under 18 at time of offense; mentally retarded persons; or mentally disabled persons, as defined in this Act.

Guarantees defendants right to justice without discrimination.

Requires court to instruct jury not to consider race, color, religious beliefs, national origin or sex of defendant or victim and requires each jury member to certify this was not involved in reaching his/her decision.

Requires GAO to study and report to Congress on procedures used by the States to determine whether or not to impose the death penalty in order to assess where such procedures create a significant risk of discriminatory imposition of death sentence.

Requires mandatory appellate court review.

Requires indigent defendant be provided one or more attorneys and investigative, expert or other reasonably necessary services at any time prior to judgment or after judgment and before execution of judgment. Establishes qualifications of appointed counsel.

Requires GAO study of the cost of implementing procedures for imposing and carrying out death sentence prescribed in this title with a report to Congress within three years of enactment of this Act.

SUBTITLE B—MINOR AND TECHNICAL CRIMINAL LAW AMENDMENTS

Amendments to correct typographical and reference errors.

Various minor and technical amendments.

SUBTITLE C—SENTENCING AMENDMENTS

Establishes mechanism for release of offenders transferred to the United States, who are on parole from authorities of a foreign country, since U.S. parole was abolished November 1, 1987.

Various clarifying and housekeeping amendments affecting the U.S. Sentencing Commission.

SUBTITLE D—VICTIM COMPENSATION AND ASSISTANCE

Reauthorizes Victims of Crime Compensation Fund for 6 years.

Increases ceiling for deposits in fund to $125 million for each of FYs 1989 through 1991 and to $150 million for each of FYs 1992 through 1994.

Adds new requirements for States to receive funds.

Miscellaneous amendments.

SUBTITLE E—FEDERAL AVIATION ADMINISTRATION DRUG ENFORCEMENT

Enhances the role of the FAA in drug enforcement and interdiction by strengthening regulations relating to aircraft registration, issuing of airman's certificates, and altering fuel systems and by authorizing civil and criminal penalties for violations of the new regulations.

Civil Penalties for violations of ownership and registration regulations:

Grants United States District Courts exclusive jurisdiction over any civil penalty action exceeding $50,000.

Sets at $50,000, the maximum amount of a civil penalty that the Administrator may assess.

Criminal Penalties for the forgery of certificates, false marking of an aircraft, and other aircraft registration violations:

Sets fine of not more than $15,000 or imprisonment for not more than 3 years or both.

Sets fine of not more than $25,000 or imprisonment for not more than 5 years, or both, if the violation relates to transportation of a controlled substance or to other serious Federal or state drug offense.

An aircraft used to transport a controlled substance may be seized and forfeited by the DEA or the U.S. Customs Service, in accordance with the customs laws. Requires FAA, DEA, and Customs Service to enter memorandum of

understanding regarding the seizure and forfeiture of aircraft.

Requires the permanent revocation of a person's airman certificate if the person is convicted of, or knowingly engages in activity that is punishable as, a drug trafficking felony involving the use of an aircraft. Previously, the law required a 5-year revocation. Provides for a waiver of the permanent revocation requirement if reissuance of a certificate will facilitate law enforcement.

Requires FAA Administrator to submit reports to Congress on following topics:

Resources necessary on an annual basis during the subsequent 5 year period to implement new registration and certification regulations;

FAA informational assistance to Federal, State and local law enforcement agencies;

The feasibility and cost-benefit of requiring aircraft entering the United States to have an operating transponder, to file a flight plan, and to have identifying transponder signal which ensures flight plan is followed; and

Feasibility of establishing flight corridors across U.S. borders and intercepting aircraft that deviate from the corridors, and impact of such on aircraft safety and movement and drug interdiction.

SUBTITLE F—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Reauthorizes *Office of Juvenile Justice and Delinquency Prevention* for four years. Provides such sums as may be necessary for FY 1989–FY 1992.

Increases the amount of funds flowing to the States through the block grant program.

Raises minimum allocation for each State to $325,000 and $75,000 for each territory.

Creates *juvenile gang and an anti-drug trafficking and abuse discretionary grants program* for law enforcement, prevention, and treatment initiatives. Authorizes $15 million for fiscal year 1989 and such sums as necessary for fiscal years 1990, 1991, and 1992.

Reauthorizes *Runaway and Homeless Youth Act.* Provides such sums as may be necessary for FY 1989–FY 1992.

Earmarks 90 percent of funds for basic center grants.

Requires that each state receive at least $75,000 and each territory $30,000.

Creates $5 million *Transitional Living Grant Program* to fund projects to provide shelter and services to homeless youth aged 16–21 years to promote their transition to self sufficiency.

Reauthorizes *Missing Children's Assistance Act.* Provides such sums as may be necessary for FY 1989–FY 1992.

Requires GAO study of youth confinement in detention facilities and adult jails and lock ups, due no later than 3 years after enactment.

SUBTITLE G—PRISONS, PROBATION, PAROLE AND SUPERVISED RELEASE PROVISIONS

Requires United States Sentencing Commission to study the feasibility of Federal prisoners paying some or all of costs incident to confinement (e.g., food, clothing, shelter) and to review measures allowing prisoners unable to pay such costs to work at paid employment in the community, during incarceration or after release, to pay such costs.

Makes Federal Bureau of Prisons, in conjunction with Department of Defense and Commission on Alternative Utilization of Military Facilities, responsible for administering Bureau of Prison Confinement facilities on military installations for nonviolent prisoners; for establishing and regulating drug treatment programs for inmates in such facilities; and for establishing and managing work programs for such inmates.

Provides for revocation of probation, supervised release and parole for possession of an illegal controlled substance.

Establishes two-year demonstration program in 8 Federal judicial districts to test criminal defendants for drug use. In addition, in each of these districts refraining from illegal drugs and submission to periodic drug testing for controlled substances will be made a mandatory condition of probation and supervised release for any defendant convicted of a felony. Requires reports to Congress from Director of the Administrative Office of the U.S. Courts on the effectiveness of the program and recommendations as to whether such testing should be made more general and permanent.

Authorizes use of house probation as a condition of probation, supervised release, or parole.

SUBTITLE H—PROVISIONS RELATING TO COURTS

Reauthorizes State Justice Institute and provides $15 million for each of fiscal years 1989–1992. Includes several technical amendments.

Miscellaneous court amendments.

Habeas Corpus.—Requires Senate Judiciary Committee to introduce and consider expeditiously legislation to modify Federal Habeas Corpus proceedings after receipt of the report and recommendations from the Special Committee on Habeas Corpus Review of Capital Sentences, appointed by the Chief Justice of the Supreme Court. States that, "The House of Representatives shall give fair, appropriate and expeditious consideration to the report of the Special Committee."

SUBTITLE I—FEDERAL BUREAU OF INVESTIGATION

Authorizes FBI to investigate felony killing of State or local law enforcement officer while engaged in or on account of official duties, at the request of the employee's agency head.

Requires the collection, classification, and preservation of national data on Federal criminal offenses, for inclusion and distribution in annual Uniform Crime Reports.

Requires data from all Federal agencies that routinely investigate criminal activities.

Authorizes the Attorney General to designate the FBI as the lead agency to perform these functions.

Authorizes FBI to classify illegal drug and drug trafficking offenses as a part I crime in Uniform Crime Reports.

Authorizes $350,000 for FY 1989 and such sums as necessary for FY 1990.

Authorizes Attorney General to exchange identification and records information with certain railroad police departments and certain police departments of private colleges and universities.

SUBTITLE J—DEPORTATION OF ALIENS WHO COMMIT AGGRAVATED FELONIES

"Aggravated felony" is defined as murder, any drug trafficking crime, or any illicit trafficking in firearms or destructive devices, or any attempt or conspiracy to commit any such act, within the United States.

Deportation of Aggravated felons.—

Requires the Attorney General to take into custody and not release any alien convicted of an aggravated felony upon completion of the alien's sentence for such a conviction.

Requires Attorney General to devise and implement a system to facilitate identification of alien aggravated felons that:

Makes available on a 24-hour basis to Federal, State, and local authorities, INS investigative resources to determine whether aggravated felony arrestees are aliens;

Designates INS officers to serve as liaison within each district to Federal, State, and local law enforcement and correctional agencies and courts concerning aliens charged as aggravated felons; and

Uses computer resources to maintain current record of deported alien aggravated felons that can be available to inspectors at port of entry and border patrol agents in order to identify deported aliens seeking reentry.

Attorney General must submit reports to House and Senate Judiciary Committees on this system, 6 months and 18 months after enactment of this Act.

Makes alien aggravated felons ineligible for voluntary departure.

Provides *criminal penalties* for alien felons and alien aggravated felons who enter, attempt to enter, or are found in the United States on or after enactment date of this Act.

Sets sentence of up to 5 years imprisonment, fine under title 18, or both, for such alien felon.

Sets sentence of up to 15 years, a fine under title 18, or both, for such alien aggravated felons.

To *expedite deportation proceedings* for aliens convicted of aggravated felonies:

Requires Attorney General to make available special deportation proceedings at certain Federal, State and local facilities for aliens convicted of aggravated felonies, conducted in conformity with section 242 of the Immigration and Nationality Act and in a manner that eliminates additional detention and expedites deportation at the end of the alien's incarceration.

Any alien aggravated felon taken into custody by the Attorney General, to the maximum extent, is to be detained at facility for such aliens.

Alien convicted of an *aggravated felony* is *conclusively presumed* to be *deportable.*

Requires Attorney General to initiate, and to the extent possible complete deportation proceedings and any administrative appeal, for convicted alien aggravated felon before the alien's release from incarceration for the underlying offense.

Requires Attorney General to review and evaluate these proceedings and submit a report on their effectiveness to the House and Senate Judiciary Committees, within 12 months after effective date of this section.

Requires GAO to monitor, review and evaluate these deportation proceedings and submit report to Congress within 18 months of effective date of this section concerning adverse effects of these proceedings on aliens ability to contest deportation.

Requires petition for appeal in the case of an alien convicted of an aggravated felony be filed not later than 60 days after issuance of final deportation order.

Bans alien aggravated felon from reentry into the United States for 10 years.

Provides for *enhancement* of *INS personnel.*

Expands and extends 4-city pilot project, created in Anti-Drug Abuse Act of 1986, to improve capabilities of INS to respond to inquiries from Federal, State, and local law enforcement authorities concerning aliens (other than aggravated felons) involved in illegal drug activity. Requires Attorney General to evaluate program 12 months after establishment and report conclusions to House and Senate Judiciary Committees.

Investigative agents hired under section will be employed exclusively to assist Federal, State and local law enforcement agencies in combatting drug trafficking and violent crimes by aliens.

SUBTITLE K—UNITED STATES CUSTOMS SERVICE

Authorizes for fiscal year 1989:

$440,504,000 for noncommercial operations. At least $26,240,000 is to increase the number of Customs inspectors and other drug interdiction personnel by at least 435 full-time employees.

$615,247,000 from Customs User Fee Account for commercial operations expenses.

$142,262,000 for operations and maintenance of air interdiction program.

$1.6 million for payment to Customs Cooperation Council.

Increases Customs Service to 17,174 positions, 435 above FY 1989 Appropriations Act.

Requires Secretary of the Treasury to prescribe regulations to effect uniformity in decisions by customs officers concerning the same or substantially similar merchandise and establish proce-

dures that allow individuals protesting these decisions to petition Secretary to obtain such uniformity in an expedited and timely fashion.

Authorizes $57.4 million in addition to other amounts authorized for FY 1989, for enhancement of Customs air interdiction program, including procurement of helicopters, tracking and interceptor aircraft, and operation and maintenance.

Consolidates amendments and changes made in last four years in *Customs Forfeiture Fund.*

Changes forfeiture provisions to allow deposits to be used for nondiscretionary expenses, e.g., expenses of seizure and forfeiture, satisfaction of liens and claims of interested parties, etc., without limit. Maintains $20 million cap on use of funds for discretionary expenses, e.g., purchases of evidence and information, equipping vessels, vehicles and aircraft for law enforcement use, assistance to State and local law enforcement to support joint operations with Customs, etc.

Clarifies Coast Guard access to Customs Forfeiture Fund.

Allows seizure of property subject to forfeiture upon process issued in the same manner as for a search warrant under the Federal Rules of Criminal Procedure.

Permits transfer of forfeited personal property or the proceeds of forfeiture to any foreign government that has participated, directly or indirectly, in the seizure of the property, if Secretary of State agrees to transfer, if transfer is authorized by an international agreement between the country and the United States, and if country has been certified under Foreign Assistance Act of 1961 as cooperative in international narcotics control.

Codifies requirement that State and local governments recognize administrative forfeiture, as they recognize judicial forfeitures.

Increases the penalty for failure to declare a controlled substance from 200% to 1000% of the article's value, and makes various technical amendments to the Tariff Act of 1930.

Authorizes an additional $4.1 million, and up to $10.9 million of funds appropriated for noncommercial operations, to be used for X-ray detection, nitrate detection, or other technologies used to detect illegal narcotics in cargo containers entering the United States.

Requires Customs Commissioner to share research findings with other Federal departments and agencies and appropriate State and local law enforcement agencies that may use such technologies.

Requires Commissioner to report findings to Congress.

Establishes a two-year air carrier smuggling prevention demonstration program at at least three U.S. International airports at high risk for drug smuggling activity.

Requires the Treasury Secretary, in consultation with the Transportation Secretary, to issue controlled substances regulations establishing procedures for air carrier development, and Customs approval, of foreign and domestic security and inspection procedures.

Air carriers determined by the Treasury Secretary to be "participating air carriers" will be considered to have met the test of the highest degree of care and diligence required under law and will not be subject to fines, penalties or seizures under

the Tariff Act of 1930 if illegal drugs are found on their aircraft or in cargo carried on their aircraft if the air carrier can establish that it was not grossly negligent or engaged in willful misconduct, and complied with the security and inspection procedures established by regulation.

Establishes procedural protections against removing an air carrier's "participating" status including written notice to the carrier of the carrier's noncompliance with regulations and a reasonable opportunity for the carrier to correct such noncompliance.

Commends the Customs Service for Operation C-Chase, a major international drug money laundering case.

SUBTITLE L—COAST GUARD DRUG ENFORCEMENT

Clarifies that indemnification against personal liability extends to Navy personnel and commanders acting under Coast Guard orders, during drug interdiction initiatives from naval vessels.

Amends maritime drug law enforcement act.

Allows the United States to take action against a U.S. citizen or resident alien aboard a vessel of another nation that has been boarded by the Coast Guard, and on which controlled substances have been found.

Requires that vessels of questionable flag status must raise, at the time of Coast Guard boarding, a defense that the vessel is excepted from Coast Guard jurisdiction by reason of valid foreign registry.

Establishes maritime air surveillance or interdiction as a primary Coast Guard law enforcement duty.

Increases effectiveness of Great Lakes drug interdiction.

Requires Secretary of Transportation and the Secretary of the Treasury to enter into an agreement to increase the effectiveness of U.S. Coast Guard and U.S. Customs Services maritime drug interdiction on the Great Lakes.

Encourages Secretary of State to begin negotiations with Canadian government officials on an agreement to increase cooperation and coordination regarding drug interdiction efforts on the Great Lakes.

Authorizes appropriations.

Authorizes $200 million for fiscal year 1989 for acquisition, construction, and improvements of the Coast Guard, to remain available until expended.

Authorizes $80 million for fiscal year 1989 and $20 million for each of fiscal years 1990, 1991, and 1992, for operating expenses, to remain available until expended. These amounts will be used to: increase Coast Guard active duty personnel by 500 full-time positions and to procure, enhance, relocate, operate, and maintain vessels, aircraft, radar, equipment, and structures for drug interdiction purposes.

These amounts are in addition to any others authorized for the Coast Guard this year.

SUBTITLE M—INTERPOL PROVISIONS

Authorizes Attorney General to accept money, goods, and services for purpose of hosting the May/June 1989 Interpol American Regional Conference in the United States, and for a commemorative gift to the Interpol General Secretariat on the opening of its headquarters in Lyon, France.

SUBTITLE N—CHILD PORNOGRAPHY AND OBSCENITY

Strengthens Federal laws relating to child pornography and obscenity.

SUBTITLE O—MISCELLANEOUS

Internal Revenue Service.—

Disclosure of information on certain cash transactions.

Makes it an offense to cause or attempt to cause a trade or business to evade reporting of cash receipts exceeding $10,000 to the IRS and subjects violator to same civil and criminal penalties as person who fails to file or completes a false or incorrect return under this section. Increases penalties for willful violations.

Permits Treasury Secretary on written request to disclose returns under this section to Federal agency officers and employees for administration of non-tax related criminal statutes. This authority expires in 2 years.

Enhances undercover capabilities of the Internal Revenue Service.

State and Local Law Enforcement Agencies Reimbursement.—

Authorizes IRS to reimburse State and local law enforcement agencies for costs (up to 10% of total sum recovered) that agencies incurred in investigations that substantially contribute to the recovery of Federal taxes imposed with respect to drug related activities, or drug-related money laundering.

Establishes Law Enforcement Agency Account for reimbursements to State and local law enforcement.

Anti-Corruption.—Amends the mail and wire fraud statutes of title 18 to define the term "scheme or artifice to defraud;" and including "a scheme or artifice to deprive another of the intangible right of honest services." This amendment overturns the 1987 Supreme Court decision in *McNally* v. *United States* and is intended to permit prosecution of corrupt public officials under Federal mail and wire fraud laws.

National Commission on Measured Responses to Achieve Drug-Free America by 1995 is established.—

Chaired by Director of Office of National Drug Control Policy and comprised of 24 members, appointed by the President, who include State and local officials and experts in drug abuse prevention, treatment, education, and law enforcement.

Commission is to develop a proposed uniform code of State laws that represent measured responses to achieve a Drug Free America by 1995 and to submit its proposed code to Governors of the 50 states and the Mayor of the District of Columbia 6 months after its appointment.

Authorizes such sums as necessary to fund Commission.

Includes sense of Congress that Governors and Mayor of District of Columbia should convene State conferences for a Drug Free America by 1995 to consider the uniform code proposed by the Commission.

Federal Research and Development Plan.—Directs Office of National Drug Control Policy to develop a comprehensive plan to provide research, development, and evaluation support to Federal law enforcement agencies using existing Federal R&D facilities. GAO is to monitor development of plan and report to appropriate Congressional Committees. This section is virtually identical to section 6163 in Title VI.

Civil Air Patrol.—Requires Secretary of the Air Force to issue necessary regulations, within 45 days, to ensure integral role for Civil Air Patrol in drug interdiction and eradication activities. Requires Secretary to provide quarterly reports on these activities to appropriate Congressional Committees.

Defense Drug Interdiction Amendment.—Clarifies language in 1989 Defense Appropriations Act for appropriations of funds for drug enforcement and interdiction activities of the Army National Guard and Air National Guard.

United States Marshals.—Provide a statutory charter for the U.S. Marshals Service, modernizes the statutory authorizations for the activities of the Marshals Service, and authorizes the presidential appointment of the director of the agency.

Family Violence Data Collection.—Requires Attorney General to include data on family violence in Uniform Crime Reports and through the annual National Crime Survey to collect and publish data that more accurately measure the extent of domestic violence in America. Authorizes such sums as necessary for FYs 1989 through 1992.

TITLE VIII—FEDERAL ALCOHOL ADMINISTRATION

Alcoholic Beverage Labeling System.—

Provides for a system of alcoholic beverage labeling.

Declares it to be the policy of the Congress to establish a comprehensive Federal program to provide warnings or other information about the relationship between the consumption or abuse of alcoholic beverages and health.

The goal is to remind the public about any health hazards associated with the consumption or abuse of alcoholic beverages through a nationally uniform, nonconfusing warning notice on each container of such beverages.

Warning Labels.—

Provides that one year after enactment of this title it shall be unlawful to manufacture, import, or bottle for sale or distribution in the United States any alcoholic beverage unless the container of such beverage bears the following statement:

> "Government Warning: (1) According to the Surgeon General women should not drink alcoholic beverages during pregnancy because of the risk of birth defects. (2) Consumption of alcoholic beverages impairs your ability to drive a car or operate machinery, and may cause health problems."

The warning label is to be located in a conspicuous and prominent place on the container of such beverage.

The warning label is not required for alcoholic beverage containers that are manufactured, imported, bottled, or labeled for export from the United States, or for delivery to a vessel or aircraft as supplies for consumption beyond U.S. tax jurisdiction.

Requires the warning label on alcoholic beverages manufactured, imported, bottled, or labeled for sale, distribution, or shipment to members or units of the Armed Forces of the United States.

Enforcement.—The Treasury Secretary is directed to ensure the enforcement of the alcoholic warning label requirements, to issue appropriate regulations, and to coordinate health efforts relating to alcohol labeling with the Surgeon General of the United States.

Preemption.—Federal alcohol labeling preempts all other State warning label requirements.

Report.—If after two years the Secretary, after consultation with the Surgeon General, determines that available scientific evidence justifies a change in, addition to, or deletion of part or all of the statement in the alcohol warning label, the Secretary shall promptly report such information with recommendations for amendments to the Congress.

Penalties.—

Subjects violators of the alcohol warning label requirements to a civil penalty of not more than $10,000, and each day shall constitute a separate offense.

Vests United States District Courts with jurisdiction, for cause shown, to prevent and restrain violations of this title upon application of the Attorney General of the United States acting through United States Attorneys.

TITLE IX—MISCELLANEOUS

SUBTITLE A—ALCOHOL AND DRUG TRAFFIC SAFETY

Drunk Driving Prevention Programs.—Provides basic and supplemental grants to States that adopt and implement drunk driving prevention programs that include measures to improve effectiveness of enforcing laws to discourage individuals from operating vehicles while under the influence of alcohol.

No State may receive grants in more than 3 fiscal years. Federal share for year 1 is 75%, 50% for year 2, and 25% for year 3. Requires State to maintain drunk driving prevention expenditures from all other sources at average level of previous 2 years.

Maximum basic grant for a State is not to exceed 30% of amount apportioned to State under Federal highway safety programs.

Basic grants are available to States that provide for (1) an expedited driver's license suspension or revocation system for persons who drive while under the influence of alcohol and (2) a self-sustaining drunk driving prevention program in which fines collected from drunk drivers or an equivalent amount of

non-Federal funds are provided to communities with comprehensive drunk driving prevention programs.

Supplemental grants are available to States that are eligible for basic grants to fund a variety of programs including: mandatory blood alcohol concentration testing programs; programs to prevent drivers under 21 from obtaining alcoholic beverages; programs to make unlawful open alcohol containers and alcohol consumption in vehicles; and programs to suspend the registration and return the license plates of any vehicle owned by a repeat drunk driving offender or a person convicted of driving while his license is revoked or suspended for drunk driving.

Authorizes $25 million for 1989, $50 million for 1990 and $50 million for 1991 for basic and supplemental grants.

Studies.—

Requires study by Secretary of Transportation, with National Academy of Sciences, to determine alcohol impairment standards and report findings to Congress within 15 months of enactment.

Requires Secretary of Transportation to conduct a study of Federal/State law enforcement exchange of information on drunk driving arrests, not later than 1 year after enactment.

Training Program.—Requires Secretary of Transportation to establish a 3-year pilot, regional program for training law enforcement officers to recognize drivers driving under the influence of alcohol or 1 or more controlled substances. Authorizes $5 million for FY 1989, $7 million for FY 1990, and $9 million for FY 1991.

Random Drug Testing of New Drivers.—Authorizes $5 million for a 4-state pilot program to randomly test new driver's license applicants for illicit drug use. Applicants testing positive shall be denied driving privileges for at least a year. Reinstitution available after three months subject to testing on a regular basis for nine months with no subsequent positive test result.

SUBTITLE B—TRUCK AND BUS SAFETY AND REGULATORY REFORM

Establishes additional safety requirements and regulations; requires the preparation of reports on improved brake systems, speed control devices, and hours of service; and authorizes additional requirements for foreign motor carriers to enhance truck and bus safety.

SUBTITLE C—COMPTROLLER GENERAL STUDY

Requires Comptroller General to prepare a report to Congress, within 1 year after enactment of this Act, to determine the impact of additional resources to certain components of the Federal criminal justice system on other components of the system and of enhanced or new Federal criminal penalties or laws on components of the Federal criminal justice system. Drawing on the findings, the report is to include a model to determine appropriate staff and budget responses to maintain the balance of the Federal criminal justice system and effectively implement changes in resources, laws or penalties.

SUBTITLE D—INSULAR AREAS

American Samoa.—

Requires Attorney General and Secretaries of Education and Health and Human Services (HHS) to provide appropriate training, technical assistance, and equipment for drug enforcement and substance abuse prevention and treatment programs.

Authorizes $350,000 annually for substance abuse programs to be spent according to a plan approved by the Secretary of the Interior in consultation with the Attorney General and Secretaries of Education and HHS.

Requires Secretary of the Treasury in consultation with the Secretary of the Interior to provide a vessel to be used in narcotics enforcement. Authorizes $500,000 for this purpose.

Guam.—

Requires the Attorney General and the Secretaries of Education and HHS to provide appropriate technical assistance, training, and equipment for substance abuse law enforcement, prevention, and treatment according to a federally approved plan.

Authorizes $500,000 annually for substance abuse programs to be spent according to a plan approved by the Secretary of the Interior in consultation with the Attorney General and Secretaries of Education and HHS.

Authorizes $500,000 for drug abuse law enforcement equipment.

Northern Mariana Islands.—

Requires the Attorney General and the Secretaries of Education and HHS to provide appropriate technical assistance, training, and equipment for substance abuse law enforcement, prevention, and treatment according to a federally approved plan.

Authorizes $125,000 annually for substance abuse programs to be spent according to a plan approved by the Secretary of the Interior in consultation with the Attorney General and Secretaries of Education and HHS.

Puerto Rico.—

Authorizes for substance abuse programs $7 million for FY 1989 and $2 million annually thereafter to be spent according to a plan approved by the Executive Director of the White House Task Force on Puerto Rico in consultation with the Attorney General and Secretaries of Education and HHS.

Requires the Attorney General and the Secretaries of Education and HHS to provide appropriate technical assistance, training, and equipment for substance abuse law enforcement, prevention, and treatment according to a federally approved plan.

Virgin Islands.—

Authorizes $2 million for 1990 and annually thereafter for substance abuse programs to be spent according to a federally approved plan.

Requires Coast Guard to station a patrol vessel in St. Croix.

Requires the Attorney General and the Secretaries of Education and HHS to provide appropriate technical assistance,

training, and equipment for substance abuse law enforcement, prevention, and treatment.

Requires the Attorney General to assign necessary personnel in the Virgin Islands for drug law prosecution.

Authorizes $2,500,000 for a substance abuse rehabilitation center.

Palau.—

Requires the Attorney General and the Secretaries of Education and HHS to provide appropriate technical assistance, training, and equipment for substance abuse law enforcement, prevention, and treatment.

Authorizes $500,000 for substance abuse programs for FY 1989 and annually thereafter to be spent according to a federally approved plan.

Authorizes DEA, the FBI, the Secret Service, the Immigration and Naturalization Service and the Customs Service to investigate U.S. criminal laws applicable to Palau, in cooperation with law enforcement authorities of Palau, upon the written request of the President of Palau.

Purposes.—Amends the purposes of the United States Insular Areas Drug Abuse Act of 1986 to also include the Trust Territory of the Pacific Islands and the freely associated states; and other abused substances in addition to drugs.

Reports.—Amends the requirement for an annual report to Congress on Federal efforts to prevent trafficking of abused substances in and through the U.S. insular areas to add the Trust Territory of the Pacific Islands; sets yearly October 1 deadline for the required report.

DEA Assignment.—Requires the DEA Administrator to assign necessary personnel and resources to the Virgin Islands and Guam for enforcement of narcotics laws.

TITLE X—SUPPLEMENTAL APPROPRIATIONS: "URGENT SUPPLEMENTAL APPROPRIATIONS ACT OF 1989 TO MEET THE DIRE EMERGENCY CREATED BY THE CRISIS OF DRUG ABUSE"

Appropriates an additional sum of $991,400,000 for fiscal year 1989 to implement the Anti-Drug Abuse Act of 1988.

Department of Justice.—

Legal Activities.—

$1.8 million for salaries and expenses, general legal activities:

$800,000 earmarked for Interpol-United States National Central Bureau, and

$1 million earmarked for Organized Crime Drug Enforcement, asset forfeiture, and civil enforcement leading to forfeiture.

$39 million for United States Attorneys:

$22 million earmarked for asset forfeiture and civil enforcement actions leading to forfeiture.

$16.4 million for U.S. Marshals Service.

$16.4 million for support of United States Prisoners, available until expended:

$4.1 million earmarked for Cooperative Agreement Program.

Transfers $30 million from Asset Forfeiture Fund to the United States Attorneys to carry out activities authorized in the Anti-Drug Abuse Act of 1988.

Federal Bureau of Investigation.—$15 million for salaries and expenses.

Drug Enforcement Administration.—$30 million for salaries and expenses.

Immigration and Naturalization Service.—$26.2 million for salaries and expenses.

Federal Prison System.—$95.6 million for buildings and facilities, available until expended.

Office of Justice Programs.—$90 million of which $80 million is for Drug Control and System Improvement Grant Program and $10 million for Public Safety Officers Benefit Program available until expended.

Department of State.—

$5 million for development, procurement, and implementation of machine-readable travel and identity document border security program.

Funds available in P.L. 99–88 (FY 1985 Supplemental) for Emergencies in the Diplomatic and Consular Service are also made available for rewards for information concerning certain narcotics related offenses.

Funds are available until expended.

The Judiciary.—

$35 million for Courts of Appeals, District Courts, and other judicial services.

$15 million for Defender Services, available until expended.

$1 million for fees of jurors and commissioners, available until expended.

Department of Labor.—$2 million for substance abuse employee assistance programs in the workplace.

Department of Health and Human Services.—

$283 million for the Alcohol, Drug Abuse, and Mental Health Administration.

$3 million for National Youth Sports Program.

$30 million for the Office of Human Development Services of which $15 million is for gang-related drug education and prevention activities and $15 million for drug abuse prevention and education activities for runaway and homeless youth.

$5 million for Food and Drug Administration.

Department of Education.—

$108 million for Drug-Free Schools and Community Act, as follows:

$7 million for teacher training program.

$100,500,000 for other drug education programs under the Act of which $83,214,000 for State and local drug education grant program will be available from July 1, 1989 until September 30, 1990.

$500,000 for Program Administration account to carry out Act.

ACTION.—$2 million for substance abuse prevention and education activities authorized under the Domestic Volunteer Service Act of 1973, of which up to $200,000 may be used for administrative expenses.

Department of Agriculture.—Earmarks up to $10 million of the funds appropriated under the Child Nutrition Act to be used to prepare and distribute drug abuse education materials for participants in (WIC) Women, Infants and Children Supplemental Food Program and Study authorized in Anti-Drug Abuse Act of 1988.

Department of Transportation.—

Coast Guard

$16 million for operating expenses to increase drug interdiction; requires Secretary of Transportation to submit a confidential report to Congress, within 30 days of enactment, comparing Coast Guard's 1989 planned interdiction efforts using regular appropriations with additional funds provided by Anti-Drug Abuse Act of 1988.

$100 million for acquisition, construction, and improvements, available until expended, of which:

$52 million is to accelerate pace of acquiring 32 HH-60 medium range recovery helicopters;

$31 million is for cutter fleet renovation and modernization program; and

$17 million is for the installation of radar on Coast Guard long range surveillance aircraft.

Department of Treasury.—

$7 million for Bureau of Alcohol, Tobacco, and Firearms

U.S. Customs Service

$8.5 million for salaries and expenses.

$7 million for operations and maintenance, Air Interdiction Program, available until expended.

Executive Office of the President.—$3.5 million for the Office of National Drug Control Policy.

General Provision.—None of the funds appropriated will be available beyond fiscal year 1989 unless expressly provided.

H.R. 5210, Anti-Drug Abuse Act of 1988 (P.L. 100-690)

FUNDING SUMMARY

H.R. 5210 authorizes new spending of $2.7 billion for 1989, divided almost evenly between drug demand reduction efforts and drug supply reduction programs. The Act also provides new appropriations (BA) of $991 million for 1989 which will result in about $500 million in actual 1989 spending (outlays). The new BA and outlays for 1989 are allocated approximately 45% to demand reduction and 55% to supply reduction. Approximately $1.7—$1.8 billion of the amount authorized in the Act remains unfunded.

The following table summarizes the funding provided by the Act.

[In millions of dollars]

	Budget authority	Outlays
1. Total authorization in H.R. 5210	[1] 5,458	[2] 3,283
2. Amount authorized in H.R. 5210 that is included in regular 1989 appropriations	2,710	1,765
3. New funding authorized, i.e., amounts authorized in H.R. 5210 that are in addition to amounts included in regular 1989 appropriations (line 1—line 2).	[1] 2,748	[2] 1,519
4. Supplemental appropriations in H.R. 5210	[1] 991	[2] 505
5. Unfunded authorization (line 3—line 4)	1,757	1,014

[1] Does not include $65 million in direct spending authorized from assets forfeiture funds.
[2] Does not include $35 in direct spending from assets forfeiture funds.

The following tables provide additional details on funding under the Anti-Drug Abuse Act of 1988.

FUNDING SUMMARY, FISCAL YEAR 1989

[In millions of dollars]

	Amounts authorized		Amounts appropriated in drug supplemental
	Total	New [1]	
Grand total [2]	5,458	2,748	[3] 991
I. Federal drug policy coordination	4	4	4
II. Law enforcement (total)	1,207	963	423
State/local grants	275	205	80
Federal enforcement (subtotal)	932	758	343
DEA	76	76	30
FBI	30	30	15
U.S. attorneys	69	69	69
INS	52	52	26
U.S. marshals	22	22	16
Federal prisons	227	227	96
Federal judiciary	89	89	51
BATF	11	11	7
Other	356	182	33
III. International narcotics control (total)	119	18	0
State department, INM	101	0	0
Other	18	18	0
IV. Interdiction (total)	1,541	374	132
Coast Guard	280	280	116
Customs Service	1,261	94	16
V. Demand reduction (total)	2,574	1,376	433
Treatment (subtotal)	1,634	953	210
ADMS block grant	1,500	819	125
Waiting list reduction grants	100	100	75
Drug abuse demonstrations	34	34	10
Prevention/education (subtotal)	566	258	172
Drug-Free Schools Act	366	119	108
Office of Substance Abuse Prevention	95	61	15
Youth gangs	15	15	15
Runaway and homeless youth	42	15	15
Community youth activity program	40	40	15
Employee assistance programs	4	4	2
Action	4	4	2
Drug and alcohol research	227	20	40
Indian programs	30	30	0
Veterans drug and alcohol programs	16	16	0
Other	101	99	11
VI. Other (insular areas, grants for supply and demand reduction activities)	13	13	0

[1] "New" funding is the amount authorized in H.R. 5210 in addition to amounts already included in regular 1989 appropriations.
[2] Amounts shown do not include $65 million in direct spending authorized from assets forfeiture funds.
[3] Total does not add due to rounding.

FUNDING IMPACT ON KEY DRUG PROGRAMS

[In millions of dollars]

	Amounts in regular 1989 appropriations	1989 total	President's 1989 request	1988
I. Federal drug policy coordination	0	4	0	0
II. Law enforcement:				
State/local grants	70	150	0	0
Federal enforcement:				
DEA	505	535	538	494
FBI	1,409	1,424	1,503	1,388
U.S. attorneys	391	460	424	380
INS	800	826	859	741
U.S. marshals	190	206	208	183
Federal prisons	1,167	1,263	1,505	932
Federal judiciary	1,209	1,260	1,528	1,153
BATF	234	241	219	218
Other	[1] 577	[1] 610	[1] 513	[1] 505
III. International narcotics control:				
State Department, INM	101	101	101	99
Other	NA	NA	NA	NA
IV. Interdiction:				
Coast Guard	[2] 2,407	2,503	2,419	[3] 2,143
Customs Service	1,167	1,183	1,109	1,109
V. Demand reduction:				
Treatment:				
ADMS block grant	681	806	675	643
Waiting list reduction grants	0	75	0	0
Drug abuse demonstration	0	10	0	0
Prevention/education:				
Drug-Free Schools Act	247	355	250	230
Office of Substance Abuse Prevention	34	49	34	34
Youth gangs	0	15	0	0
Runaway and homeless youth	27	42	26	26
Community youth activity program	0	15	0	0
Employee assistance programs	0	2	0	0
ACTION	168	170	166	163
Drug and alcohol research	207	247	187	182
Indian programs	NA	NA	NA	NA
Veterans drug and alcohol programs	NA	NA	NA	NA
Other	9	20	2	[1] 8
VI. Other (insular areas, grants for supply and demand reduction activities)	0	0	0	0

[1] Amount shown is only a partial total. Funding not available for some programs included in this category.
[2] Includes $250 million transfer from DoD.
[3] Includes $128 million under the DoD Appropriations Act.